

1 RESOLUTION NUMBER 15

2 SERIES 1974

3 BE IT RESOLVED BY THE CITY COUNCIL of the City of Elgin that:

4 (1) There is hereby created Improvement District No. 2 for
5 the purpose of constructing street improvements, water system
6 improvements and sewer improvements in accordance with specifications
7 of the City.

8 (2) The Engineer for the City has prepared plans and specifica-
9 tions for the construction of said improvements, and said Engineer's
10 Report is on file with the City Recorder's Office. The Engineer's
11 Report describes the land within said improvement district as follows:

12 North 13th Street from Carolyn Terrace north to the
13 south side of County Road 370, and the south side of
14 Blocks 4 and 6 and north side of Blocks 3 and 15 in
15 M. A. STEVENSON ADDITION to the City of Elgin, Union
County, Oregon; and the south side of Block 6 and north
side of Block 7 in HINDMAN ADDITION to the City of
Elgin, Union County, Oregon.

16 (3) The cost of said improvement is to be assessed to the
17 property in said district specifically benefited thereby.

18 (4) A hearing on said improvement district shall be held on
19 Tuesday, September 10, 1974, at the hour of 8:00 o'clock p.m. in
20 the Council Chambers in the City Building in Elgin, Oregon.

21 (5) The City Recorder is hereby authorized and directed to
22 deposit in the mail, not less than ten (10) days prior to said

1 RESOLUTION NUMBER

14

2 SERIES 1974,

3 BE IT RESOLVED BY THE CITY COUNCIL of the City of Elgin that:

4 (1) There is hereby created Improvement District No. 1 for
5 the purpose of constructing sidewalk improvements in accordance
6 with specifications of the City.

7 (2) The Engineer for the City has prepared plans and specifica-
8 tions for the construction of said improvement, and said Engineer's
9 Report is on file with the City Recorder's Office. The Engineer's
10 Report describes the land within said improvement district as
11 follows:

12 The west side of Block 64, HINDMAN'S ADDITION to the
13 City of Elgin, Union County, Oregon, and the South side
14 of Lot 17 and west 26½ feet of Lot 18, Block 65, STEVEN-
SON'S ADDITION to the City of Elgin, Union County, Oregon.

15 (3) The cost of said improvement is to be assessed to the
16 property in said district specifically benefited thereby.

17 (4) A hearing on said improvement district shall be held on
18 Tuesday, September 10, 1974, at the hour of 7:45 p.m. in the
19 Council Chambers in the City Building in Elgin, Oregon.

20 (5) The City Recorder is hereby authorized and directed to
21 deposit in the mail not less than ten (10) days prior to said
22 hearing, a notice of hearing containing the information required by

RESOLUTION NO. 13
Series 1974

RESOLUTION ADOPTING BUDGET, MAKING APPROPRIATIONS, AND LEVYING TAXES, FOR THE FISCAL TAX YEAR 1974-75, FOR THE CITY OF ELGIN, OREGON.

1. BE IT RESOLVED that the Council of the City of Elgin hereby adopt the budget approved by the Budget Committee of said City on June 4, 1974 now on file in the office of the City Recorder of said City.

2. BE IT RESOLVED that the Council hereby levies the taxes provided for in the budget adopted in Paragraph 1 of this Resolution in the aggregate amount of \$39742.00; and that these taxes are hereby levied and assessed pro-rate upon all taxable property within the City of Elgin, Oregon as of 1:00 A. M. , January 1, 1974.

3. BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 1974, and for the purpose shown below are hereby appropriated as follows:

GENERAL FUND

Personal Services:

Administration Department	\$ 17007.00	
Police Department	32973.00	
Fire Department	3588.00	
Water & Sewer Department	13080.00	
Health & Sanitation Department	3740.00	
Library	2547.00	
		\$72928.00

MATERIALS AND SERVICES

Administrative Department	\$ 7940.00	
Police Department	8385.00	
Fire Department	2169.00	
Water & Sewer Department	12390.00	
Health & Sanitation Department	1750.00	
Library		
City Lights	8400.00	
City Buildings	6556.00	
Planning Commission	100.00	
Miscellaneous	16428.00	
		\$61118.00

4. BE IT RESOLVED that the City Recorder of said City certify to the County Clerk and County Assessor of Union County, Oregon, the tax levy made by this RESOLUTION and shall file with the State Treasurer and the Division of Audits of the Secretary of State a true copy of the budget as finally adopted.

PASSED AND ADOPTED 13 day of August, 1974.

APPROVED THIS 13 day of August, 1974.

Lawrence H. Stein
MAYOR

ATTESTED AND FILED THIS
13 day of August, 1974.

Tom Jankovic
City Recorder

RESOLUTION NO. 12

Series, 1974

BEFORE THE CITY COUNCIL OF THE CITY OF ELGIN, UNION COUNTY:

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN FUNDS FROM THE EMERGENCY BUDGET TO THE POLICE FUND AND THE ADMINISTRATION FUND.

WHEREAS, it is necessary for the protection and the advancement of the common welfare of the City of Elgin that the Police Fund and the Administration Department Fund be increased during the 1973-74 fiscal year by the addition thereto of funds from other departmental budgets,

NOW, THEREFORE, BE IT RESOLVED:

- (a) That the sum of \$1156.28 be transferred from the Emergency budget to the Police budget.
- (b) That the sum of \$1000.00 be transferred from the Emergency budget to the Administration budget.
- (c) That the City Recorder be and he is hereby authorized to make such transfer immediately upon the passage and adoption of this Resolution.

ADOPTED this 3 day of August, 1974.

APPROVED this 13 day of August, 1974.


Mayor

RESOLUTION NUMBER 8

SERIES 1974

BE IT RESOLVED by the City Council of the City of Elgin, Oregon,
that the Mayor be, and he is hereby, authorized and directed to
enter into a promissory note for \$4,000.00 with the First State Bank
of Elgin, of Elgin, Oregon; a copy of said note being hereto attached,
marked Exhibit "A", and by this reference made a part hereof.

DATED at Elgin, Oregon, this 9th day of July, 1974.

ATTEST:

For Recorder
City Recorder

City Council

PROMISSORY NOTE

\$4,000.00

July _____, 1974

THE CITY OF ELGIN, OREGON, a municipal corporation, promises to pay to the order of THE FIRST STATE BANK OF ELGIN, at Elgin, Oregon, FOUR THOUSAND DOLLARS (\$4,000.00), with interest thereon at the rate of Seven Percent (7%) per annum from July _____, 1974, until paid, principal and interest payable on or before the 1st day of October, 1974. If this note is placed in the hands of an attorney for collection the City of Elgin, Oregon, promises and agrees to pay First State Bank of Elgin's reasonable attorney's fees and collection costs, even though no suit or action is filed hereon; however, if a suit or an action is filed, the amount of such reasonable attorney's fees shall be fixed by the court, or courts, in which the suit or action, including any appeal therein, is tried, heard or decided.

CITY OF ELGIN, OREGON

By: *Warner Stein*
Warner Stein, Mayor

Attest: *Ron Scoubes*
Ron Scoubes, City Recorder

RESOLUTION NUMBER 7

SERIES 1974

BE IT RESOLVED by the City Council of the City of Elgin, Oregon,
that the Mayor be, and he is hereby, authorized and directed to enter
into an agreement for building inspection services with Union County,
Oregon, a copy of said agreement being hereto attached, marked
Exhibit "A", and by this reference made a part hereof.

DATED at Elgin, Oregon, this 25th day of June, 1974.

ATTEST:

[Signature]
City Recorder

W. [Signature]
[Signature]
[Signature]
[Signature]
[Signature]

City Council

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this _____ day of June, 1974, by and between UNION COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as County, and the City of Elgin, a municipal corporation and political subdivision of the State of Oregon, hereinafter referred to as the City of Elgin.

WHEREAS, the City of Elgin desires that County be responsible for enforcing the City of Elgin Building Code and for issuing building permits for structures constructed within the corporate limits of the City of Elgin; and

WHEREAS, County desires to assume the responsibility of issuing said permits and citations in regards to the enforcement of the City of Elgin Building Code;

NOW, THEREFORE, in consideration of the terms and conditions hereinafter stated, it is agreed as follows:

I

COUNTY'S RESPONSIBILITIES

Section 1: The County agrees to administer the City of Elgin Building Code ordinances regarding building inspection functions in connection with granting of building permits and processing such permits, including issuing stop-work orders where work has been

1 have allegedly violated the City of Elgin Building Code, requiring
2 said persons to appear before the City of Elgin Municipal Judge and
3 the County will further provide necessary witnesses and cooperation
4 for the prosecution of said cases. The City of Elgin will be
5 required to provide citation forms and fine schedules to be used by
6 Union County for the issuance of said citations.

7 II

8 CITY'S RESPONSIBILITIES

9 Section 1: City of Elgin agrees to provide to the County
10 copies of current ordinances and actions by the City that would
11 affect the status of a building permit applicant within the corporate
12 limits of the City of Elgin.

13 Section 2: City of Elgin agrees to allow Union County to retain
14 all fees that are charged for receiving and processing applications
15 for building permits; said fees to be set by the City by ordinance
16 or order, but in no event will said fees be set in an amount less
17 than the fees charged by the County for similar services provided
18 under its own ordinances.

19 III

20 MUTUAL AGREEMENTS OF PARTIES

21 Section 1: The parties mutually agree that this agreement
22 may be terminated by either party upon the giving by either party

1 Section 4: The parties agree that this agreement shall
2 commence as of the first day of July, 1974.

3 IN WITNESS WHEREOF, the parties have executed this agreement
4 in duplicate on the 25th day of June, 1974.

5 IN WITNESS WHEREOF, the CITY OF ELGIN, OREGON, a municipal
6 corporation, pursuant to a resolution of its City Council duly and
7 legally adopted, and UNION COUNTY, OREGON, pursuant to a resolution
8 of its County Court duly and legally adopted, have caused these
9 premises to be signed.

10 CITY OF ELGIN, OREGON

11 By: William H. Stein
12 Mayor

13 ATTEST:

14 Don Lamb
15 City Recorder

16 UNION COUNTY, OREGON

17 By: _____
18 County Judge

19 ATTEST:

20 _____
21 County Clerk

RESOLUTION

Resolution No. 6

Series 1974

A RESOLUTION INITIATING VACATION PROCEEDINGS FOR THE VACATION OF
THAT PORTION OF BIRCH STREET WEST OF SOUTH SEVENTEENTH STREET,
115.7 FEET IN ELGIN, OREGON, ALSO DESCRIBED AS: BEGINNING AT THE
SOUTHEAST CORNER OF LOT 4, BLOCK 7, THOMPSON'S ADDITION TO THE
CITY OF ELGIN, OREGON, THENCE WEST 115.7 FEET; THENCE SOUTH 60.0
FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 8 OF SAID THOMPSON'S
ADDITION, THENCE EAST 115.5 FEET TO THE NORTHEAST CORNER OF LOT 1,
BLOCK 8 OF SAID THOMPSON'S ADDITION; THENCE NORTH 60 FEET TO
THE POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF:

WHEREAS, that portion of Birch Street West of South Seventeenth
Street, 115.7 feet is platted in THOMPSON'S ADDITION to the City of
Elgin, Oregon, according to the recorded plat thereof, and

WHEREAS, such street is not open or being used by the public,
and

WHEREAS, the owners of the adjoining property have requested
that such street be vacated and that the City Council initiate
vacation proceedings with respect to said street pursuant to

ORS 271.130, and

WHEREAS, in the opinion of the City Council of the City of

1 THOMPSON'S ADDITION to the City of Elgin, Oregon, according to
2 the recorded plat thereof, be and is hereby initiated, and
3 BE IT RESOLVED that the hour of 7:30P.M. on Tuesday, the
4 9th day of July, 1974, be fixed as the time for hearing in the
5 City Hall in the City of Elgin, Oregon, as a place for such hear-
6 ing, on such proposed street vacation and any objections or re-
7 monstrances thereto or claims for damages as a result of said
8 proposed vacation, and

9 BE IT FURTHER RESOLVED that the City Recorder, is
10 hereby directed to give notice thereof by publishing such notice
11 in the Elgin Recorder once each week for four successive weeks
12 and by posting such notices of such vacation in accordance with
13 the provisions of ORS 271.110.

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Dated this 11th day of June, 1974.

Edward E. Stein

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

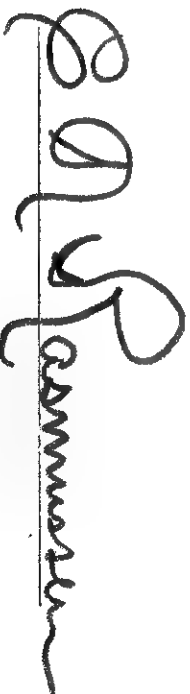
[Signature]

REQUEST FOR STREET VACATION

I, C. S. Rasmussen, a Vice President for California Pacific Utilities and being authorized to so do, request that that portion of Birch Street West of South Seventeenth Street, 115.7 feet in Elgin, Oregon, also described as:

Beginning at the Southeast corner of Lot 4, Block 7, THOMPSON'S ADDITION to the City of Elgin, Oregon, thence West 115.7 feet; thence South 60.0 feet to the Northwest corner of Lot 2, Block 8 of said THOMPSON'S ADDITION, thence East 115.5 feet to the Northeast corner of Lot 1, Block 8 of said THOMPSON'S ADDITION; thence North 60 feet to the point of beginning according to the recorded plat thereof;

be vacated. Being fully informed of the consequences of such action and being an abutting property owner thereto, I make this request.

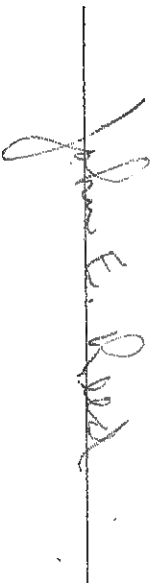
C. S. Rasmussen

REQUEST FOR STREET VACATION

I, John E. Reed, Regional Manager for Boise Cascade Corporation and being authorized to so do, request that that portion of Birch Street West of South Seventeenth Street, 115.7 feet in Elgin, Oregon, also described as:

Beginning at the Southeast corner of Lot 4, Block 7, THOMPSON'S ADDITION to the City of Elgin, Oregon, thence West 115.7 feet; thence South 60.0 feet to the Northwest corner of Lot 2, Block 8 of said THOMPSON'S ADDITION, thence East 115.5 feet to the Northeast corner of Lot 1, Block 8 of said THOMPSON'S ADDITION; thence North 60 feet to the point of beginning according to the recorded plat thereof;

be vacated. Being fully informed of the consequences of such action and being an abutting property owner thereto, I make this request.



1 CERTIFICATE OF CITY RECORDER REGARDING TAXES

2 STATE OF OREGON)
3 : ss.
4 COUNTY OF UNION)

5 I, RON SCOUTS, do hereby certify:

6 That I am the duly appointed, qualified and acting City
7 Recorder for the City of Elgin, Oregon.

8 That all city liens and all taxes on the property affected
9 by the vacation of Birch Street West of South Seventeenth Street,
10 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon,
11 have been paid.

12 DATED this 11 day of June, 1974.

13 
14 Ron Scouts, City Recorder of
15 City of Elgin, Oregon
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1 AFFIDAVIT OF POSTING

2 I, RON SCOBES, being first duly sworn, depose and say:

3 I am the qualified and acting City Recorder of the
4 City of Elgin, Union County, Oregon; I am a citizen of the
5 United States; over the age of twentyone (21) years and a
6 resident of the City of Elgin, Union County, Oregon.

7 On the 12 day of June, 1974, I posted the hereto attached
8 Notice of Street Vacation in public view in the following places,
9 to wit: On the utility pole at Birch Street and Seventeenth
10 Street; and on the utility pole 250 feet west of South Nineteenth
11 Street and Birch Street.

12
13 Subscribed and sworn to before me this 13th day of June, 1974.

14
15 Notary Public for Oregon
16 My Commission Expires:

17 MY COMMISSION EXPIRES MARCH 31, 1977
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1 NOTICE OF STREET VACATION

2 NOTICE IS HEREBY GIVEN that the City Council of the City of
3 Elgin, Oregon, will, on the 9th day of July, 1974, at the hour
4 of 7:30 P.M. in the City Hall at Elgin, Oregon, hold a hearing
5 in connection with its resolution and vacation proceedings
6 initiated by the City Council, on the 11th day of June, 1974,
7 whereby it was proposed to vacate that portion of Birch Street
8 west of South Seventeenth Street, 115.7 feet in Elgin, Oregon,
9 according to the recorded plat thereof, and the City Council
10 will, at that time, hear and consider all objections, remonstrances
11 or claims for damages as a result of such proposed vacation which
12 may be presented and filed with the City Recorder in writing
13 prior to the time of hearing.

14 DATED and PUBLISHED this 11th day of June, 1974.

15
16 Ronald Scoubes
17 Ronald Scoubes, City Recorder of
18 City of Elgin, Oregon
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RESOLUTION NO. 5

SERIES 197b

WHEREAS, certain areas of the City of Elgin are subject to periodic flooding (and/or mudslides from Phillips Creek and the Grande Ronde River, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Insurance Act of 1968; and

WHEREAS, it is the intent of this City Council of the City of Elgin, Union County, Oregon to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to ORS. Chapter 221, ORS 221.410

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elgin, Union County, Oregon, hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Insurance Program Regulations; and

2. Vests the City Recorder with the responsibility, authority, and means to:

- (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.

- (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide area).

- (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide

RESOLUTION NO. 4

SERIES 1974

A RESOLUTION for the vacation of the alley (12' 5" wide) running North and South through Block two (2) in North Elgin Addition to the City of Elgin, Oregon, and extending in a Southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City and for the vacation of the alley (12' 5" wide) running North and South through Block three (3) in North Elgin Addition to the City of Elgin, Oregon and extending in a Southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City:

WHEREAS the Common Council of the City of Elgin has caused an

examination to be made of the alley running North and South through Block (2) two in North Elgin Addition to the City of Elgin, Oregon, and extending in a Southerly direction from the intersection of said alley with the South line of Adele Terrace to the intersection of said alley with the North line of Detroit Street, and of the alley running North and South through Block three (3) in North Elgin Addition to the City of Elgin, Oregon and extending in a Southerly direction from the intersection of said alley with the South line of Adele Terrace to the intersection of said alley with the North line of Detroit Street, and the properties adjacent to and adjoining the same and situated in the immediate vicinity thereof, and has found that the vacations of the said alleys will not in anyway affect the market value of adjoining, adjacent and closely situated properties and that the public interest will not be prejudiced thereby,

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the

BE IT FURTHER RESOLVED that the City Recorder of Elgin shall give notice of such hearing by publication once a week in the Elgin Recorder for four successive and consecutive weeks, prior to said hearing, beginning with the issue of said newspaper dated the 18th day of April, 1974, and shall within five days after the first day of publication of said notice post or cause to be posted at or near each end of said proposed vacations a copy of said notice, being in not less than two conspicuous places.

Adopted this 9 day of April, 1974, by 4 Councilmen voting therefor.

Approved this 9 day of April, 1974.

William J. Sten
Mayor

ATTEST:

John J. McNeill
City Recorder

NOTICE OF

ALLEY VACATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Elgin, Oregon, will on the 14th day May, 1974, at the hour of 8:00 P. M. in the City Hall of Elgin, Oregon, hold a hearing in connection with its resolution and vacation proceedings initiated by the City of Elgin, of Elgin, Oregon, thereby on the 9th day of April, 1974, whereby it is proposed to vacate the following alley:

An alley (12' 5" wide) running North and South through Block three (3) in the North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street in said City.

The City Council will, at that time, hear and consider all objections, remonstrances or claims for damages as a result of such proposed vacation which may be presented and filed with the City Recorder-Treasurer in writing prior to the time of the hearing.

DATED this 24 day of April, 1974.

Don Scouder
Don Scouder

NOTICE OF
ALLEY VACATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Elgin, Oregon, will on the 14th day of May, 1974, at the hour of 8:00 P. M. in the City Hall of Elgin, Oregon, hold a hearing in connection with its resolution and vacation proceedings initiated by the City of Elgin, of Elgin, Oregon, thereby on the 9th day of April, 1974, whereby it is proposed to vacate the following alley:

An alley (12' 5" wide) running North and South through Block two (2) in the North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street in said City.

The City Council will, at that time, hear and consider all objections, remonstrances or claims for damages as a result of such proposed vacation which may be presented and filed with the City Recorder-Treasurer in writing prior to the time of the hearing.

Dated 22 day of April, 1974.

being fully informed of the proposed vacation of the alley (12' 5" wide) running North and South through Block two (2) in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street in said City and being an (abutting) (affected) property owner thereto, do give my express consent that said alley be vacated.

W. A. A. A. A.

UNRECORDED DEED NUMBERED TWO (2) IN NORTH ELGIN ADDITION TO THE CITY OF ELGIN, OREGON, WHERE SAID ALLEY INTERSECTS ADELE TERRACE IN SAID CITY; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

W. A. A. A. A.

fully informed of the proposed vacation of the alley (12' 5" wide) running
th and South through Block two (2) in North Elgin Addition to the City of Elgin
gon, and extending in a southerly direction from the intersection of said alley
with the south line of Adele Terrace to the north line of Detroit Street in said
city and being an (abutting) (affected) property owner thereto, do give my express
consent that said alley be vacated.

Donald E. H. Hays

through block numbered two (2) in North Elgin Addition to the
City of Elgin, Oregon, where said alley intersects Adele Terrace
in said City; one at the south end of the alley running North
and South through block numbered two (2) in North Elgin Addition
to the City of Elgin, Oregon, where said alley intersects Detroit
Street in said City; one at the north end of the alley running
North and South through block numbered three (3) in North Elgin
Addition to the City of Elgin, Oregon, where said alley intersects
Adele Terrace in said City; one at the South end of the alley
running North and South through block numbered three (3) in
North Elgin Addition to the City of Elgin, Oregon, where said
alley intersects Detroit Street in said City.

Don Hays

Being fully informed of the proposed vacation of the alley (12' 5" wide) running North and South through Block two (2) in North Elgin Addition to the City of Elgin Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street in said City and being an (abutting) (affected) property owner thereto, do give my express consent that said alley be vacated.

Samuel W. H. H. H.

~~through block numbered two (2) in North Elgin Addition to the~~
City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

Samuel W. H. H. H.

eing fully informed of the proposed vacation of the alley (12' 5" wide) running North and South through Block two (2) in North Elgin Addition to the City of Elgin Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street in said City and being an (abutting) affected property owner thereto, do give my express consent that said alley be vacated.

Richard P. Duncan

through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

For Deed

being fully informed of the proposed vacation of the alley (12' 5" wide) running North and South through Block three (3) in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the North line of Detroit Street in said City and being an (abutting) (affected) property owner thereto, do give my express consent that said alley be vacated.

Witness my hand

through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

Don Decker

ing fully informed of the proposed vacation of the alley (12' 5" wide) running North and South through Block three (3) in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the North line of Detroit Street in said City and being an (abutting) (affected) property owner thereto, do give my express consent that said alley be vacated.

David T. Wells

through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

Don Decker

of Alley Vacation

HEREBY GIVEN that the City Council of Elgin, Oregon, will on the 14th day of April, 1974, at the hour of 8:00 P.M. in the City of Elgin, Oregon, hold a hearing in connection with a proposed alley vacation proceeding initiated by the City of Elgin, Oregon, whereby it is proposed to vacate the following alleys:

1. alley (12' 5" wide) running North and South through Block two (2) in the North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line of Detroit Street and an alley (12' 5" wide) running North and South through Block three (3) in the North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the south line of Adele Terrace to the north line Detroit Street in said City.

The City Council will, at that time, hear and consider all objections, remonstrances or claims for damages as a result of such proposed vacation which may be presented and filed with the City Recorder-Treasurer in writing prior to the time of the hearing.
Dated this 16 day of April, 1974.

Ron Scoubes
City Recorder
City of Elgin, Oregon

FIDAVIT OF POSTING

I, the undersigned, being a qualified elector and acting City Recorder of Elgin, Oregon, do hereby depose and say:

That on the 14th day of April, 1974, I posted the hereto attached NOTICE OF STREET VACATION in public view in the following places, to-wit:

One at the north end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

Ron Scoubes

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STATE OF OREGON)
: ss
County of Union)

I, RON SCOTCHES, being first duly sworn depose and say:

That I am the duly qualified, elected and acting City Recorder of the City of Elgin, Union County, Oregon; that I am a citizen of the United States, over the age of twenty-one years and a resident of Union County, Oregon;

That on the 22 day of April, 1974 I posted the hereunto attached NOTICE OF STREET VACATION in public view in the following places, to-wit:

One at the north end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the south end of the alley running North and South through block numbered two (2) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City; one at the north end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Adele Terrace in said City; one at the South end of the alley running North and South through block numbered three (3) in North Elgin Addition to the City of Elgin, Oregon, where said alley intersects Detroit Street in said City.

Ron Scotch

ORDINANCE NUMBER 18

SERIES 1974

AN ORDINANCE FOR THE IMPOUNDING AND DISPOSITION OF ABANDONED VEHICLES;
REPEALING ORDINANCE NO. 3, SERIES 1956; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: DEFINITIONS.

(1) Abandoned. Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City.

(2) Chief of Police. Any authorized law enforcement officer of the City.

(3) Costs. The expense of removing, storing and selling an impounded vehicle.

(4) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway,

except devices moved by human power or used exclusively upon stationary rails or tracks.

(5) Vehicle Owner. Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly; of ownership or any interest, legal or equitable, in a vehicle.

Section 2: NOTICE OF NUISANCE.

(1) It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same

1 the name and address of the owner, whenever such vehicle is
2 required by law to be registered with that office.

3 (c) If the owner is not identified, to place a notice upon
4 the windshield, or some other part of the vehicle easily seen by
5 the passing public.

6 (2) The notice shall state that the police department will
7 remove and impound the vehicle under the provisions of this ordinance,
8 24 hours after the time of the posting, unless:

9 (a) The owner removes the vehicle; or

10 (b) Good cause is shown, satisfactory to the chief of
11 police, why such vehicle should not be removed by the owner or
12 removed and impounded by the city.

13 Section 3: IMPOUNDING NUISANCE.

14 (1) An abandoned vehicle which remains in the same position for
15 a period of 24 hours after an owner has been requested to remove it or
16 after a notice to remove has been posted upon the vehicle, and no
17 person has appeared to show good cause why the vehicle should not be
18 moved, shall constitute a nuisance.

19 (2) It shall be the duty of the police department to remove a
20 vehicle which shall constitute a nuisance under the provisions of this
21 ordinance, store the vehicle upon city property, and dispose of it
22 pursuant to the provisions of this ordinance.

1 will be sold.

2 Section 5: LOW VALUE VEHICLE.

3 (1) If the vehicle is appraised at \$100.00 or less and the
4 owner is identified, the chief of police shall file with the Motor
5 Vehicles Division an affidavit describing the vehicle, including the
6 license plates, if any, stating the location and appraised value of
7 the vehicle, and stating that the vehicle will be junked or dismantled.
8 The chief of police shall state that notice of intent to junk or dis-
9 mantle the vehicle has been sent with notification of the location of
10 the vehicle to the owner.

11 (2) Failure of the owner to reclaim the vehicle within 15 days
12 after the date notification is mailed shall constitute a waiver of
13 his interest in the vehicle.

14 (3) Upon completion and forwarding of the affidavit and expira-
15 tion of the time period stated in Subsection (2), the chief of police
16 may, without notice and public auction, dispose of the vehicle and
17 execute a certificate of sale.

18 (4) The certificate of sale shall be substantially as follows:

19 CERTIFICATE OF SALE

20 This is to certify that under the provisions of
21 Ordinance No. _____, entitled "An Ordinance for
the Impounding and Disposition of Abandoned
22 Vehicles," I did on the _____ day of _____,
19____, sell to _____

for the sum of \$ _____ cash the following

1 Section 6: PUBLIC SALE NOTICE.

2 (1) If the vehicle is appraised over \$100.00, and if no claim is
3 made by the owner within the time specified by Section 4 (3) of this
4 ordinance, or if the vehicle is valued under \$100.00, but the owner
5 cannot be identified after compliance with Section 2, the chief of
6 police shall cause to be published in a newspaper of general circula-
7 tion within the city a notice of sale. The notice of sale shall
8 state:

9 (a) The sale is of abandoned property in the city's
10 possession.

11 (b) A description of the vehicle, including the type, make,
12 license number, I.D. number, and any other information which
13 will aid in accurately identifying the vehicle.

14 (c) The terms of the sale.

15 (d) The date, time and place of the sale.

16 (2) The notice of sale shall be published twice not less than
17 three days prior to the date of the proposed sale.

18 Section 7: PUBLIC SALE.

19 (1) If no claim shall have been made to redeem an impounded
20 vehicle appraised over \$100.00 or appraised under \$100.00 but the
21 owner cannot be identified before the time set for the sale of such
22 vehicle, the chief of police shall hold a sale at the time and place
appointed within the view of the vehicle to be sold.

1 (4) The certificate of sale shall be substantially as follows:

2 CERTIFICATE OF SLAE

3 This is to certify that under the provisions of
4 Ordinance No. _____, entitled "An Ordinance for the
5 Impounding and Disposition of Abandoned Vehicles,"
6 and pursuant to due notice of the time and place of
7 sale, I did on the _____ day of _____, 19____,
8 sell at public auction to _____ cash, he being the highest
9 for the sum of \$ _____ and that being the highest and best
10 and best bidder, and the following described personal
11 sum bid therefor, the following described personal
12 property, to-wit:

13 (Brief description of the property)

14 And in consideration of the payment of said sum of
15 \$ _____, receipt whereof is hereby acknowledged,
16 I have this day delivered to said purchaser the
17 foregoing property.

18 Dated this _____ day of _____, 1974.

19 Note: The City of Elgin assumes no responsibility
20 as to the condition of title of the above described
21 property. In case this sale shall for any reason be
22 invalid, the liability of the city is limited to the
return of the purchase price.

Section 8: REDEMPTION BEFORE SALE.

(1) An owner may redeem a vehicle impounded under the provisions
of this ordinance, before a sale or disposition has taken place, by
applying to the police department, whereupon he shall:

(a) Submit evidence of his ownership or interest in the
vehicle, satisfactory to the chief of police, that such claim is

1 (2) The proceeds of the sale shall be applied:

2 (a) To the payment of costs incurred by the city; and

3 (b) The balance, if any, shall be transferred to the city
4 treasurer to be credited to the general fund.

5 Section 10: APPLICATION. This ordinance shall apply to all
6 abandoned vehicles now in the possession of the city as well as to
7 abandoned vehicles that are hereafter impounded.

8 Section 11: CHARGES. In the enforcement and execution of the
9 provisions of this ordinance, the chief of police shall charge and
10 collect \$10.00 for towing and \$2.00 per day for storage, unless a
11 private garage is utilized, in which case the chief of police shall
12 charge and collect the towing and storing charges actually incurred
13 by the city for the vehicle.

14 Section 12: REPEAL. Ordinance No. 3, Series 1956, is hereby
15 repealed.

16 Section 13: EMERGENCY. Inasmuch as it is essential to the
17 preservation of the public health, welfare, peace and safety of the
18 City of Elgin that this ordinance be effective immediately upon its
19 enactment, an emergency is hereby declared to exist and this ordinance
20 shall be in full force and effect from and after its passage and
21 approval.

22 PASSED and ADOPTED this 12th day of November, 1974, by Six

*Repealed
Ord 18 1980*

ORDINANCE NUMBER 18

SERIES 1974

AN ORDINANCE FOR THE IMPOUNDING AND DISPOSITION OF ABANDONED VEHICLES:
REPEALING ORDINANCE NO. 3, SERIES 1956; AND DECLARING AN EMERGENCY.

THE CITY OF EGIN DOES ORDAIN as follows:

Section 1: DEFINITIONS.

(1) Abandoned. Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City.

(2) Chief of Police. Any authorized law enforcement officer of the City.

(3) Costs. The expense of removing, storing and selling an impounded vehicle.

(4) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon

stationary rails or tracks.

(5) Vehicle Owner. Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

Section 2: NOTICE OF NUISANCE.

(1) It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of 48 hours, to:

of the vehicle by examining such vehicle for license number, I.D. number, make, style, and any other information which will aid in the identification of the ownership of the vehicle, and transmitting all available information pertaining to such vehicle to the Motor Vehicles Division of this state with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with that office.

(c) If the owner is not identified, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(2) The notice shall state that the police department will remove and impound the vehicle under the provisions of this ordinance, 24 hours after the time of the posting, unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner or removed and impounded by the city.

Section 3: IMPOUNDING NUISANCE.

(1) An abandoned vehicle which remains in the same position for a period of 24 hours after an owner has been requested to remove it or after a notice to remove has been posted upon the vehicle, and no person has appeared to show good cause why the vehicle should not be moved, shall constitute a nuisance.

(2) It shall be the duty of the police department to remove a

(3) After impoundment, the chief of police shall cause the vehicle to be appraised.

Section 4: NOTICE OF IMPOUNDMENT AND SALE. If the owner is identified, he shall be notified immediately by registered or certified mail that such vehicle is held by the police department of the city.

The notice to the owner shall also state:

- (1) The reason for impounding the vehicle.
- (2) The existing costs charged against the vehicle.
- (3) That unless the owner redeems the vehicle within 10 days from the day of mailing the notice and pays all the costs, the vehicle will be sold.

Section 5: LOW VALUE VEHICLE.

(1) If the vehicle is appraised at \$100.00 or less and the owner is identified, the chief of police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled.

The chief of police shall state that notice of intent to junk or dismantle the vehicle has been sent with notification of the location of the vehicle to the owner.

(2) Failure of the owner to reclaim the vehicle within 15 days after the date notification is mailed shall constitute a waiver of his interest in the vehicle.

(3) Upon completion and forwarding of the affidavit and expira-

the Impounding and Disposition of Abandoned Vehicles," I did on the _____ day of _____, 19____, sell to _____ cash, the following for the sum of \$_____ described personal property, to-wit:

(Brief description of the property)

And in consideration of the payment of the said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 19____.

Note:

The City of Elgin assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.

Section 6: PUBLIC SALE NOTICE.

(1) If the vehicle is appraised over \$100.00, and if no claim is made by the owner within the time specified by Section 4 (3) of this ordinance, or if the vehicle is valued under \$100.00, but the owner cannot be identified after compliance with Section 2, the chief of police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

(a) The sale is of abandoned property in the city's possession.

(b) A description of the vehicle, including the type, make, license number, I.D. number, and any other information which

Section 7: PUBLIC SALE.

(1) If no claim shall have been made to redeem an impounded vehicle appraised over \$100.00 or appraised under \$100.00 but the owner cannot be identified before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder; providing, that if no bids are entered or those bids which are entered are less than the costs incurred by the city, the chief of police may enter a bid on behalf of the city in an amount equal to such costs.

(3) At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the city recorder.

(4) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. _____, entitled "An Ordinance for the Impounding and Disposition of Abandoned Vehicles," and pursuant to due notice of the time and place of sale, I did on the _____ day of _____, 19____, sell at public auction to _____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of the property)

And in consideration of the payment of said sum of

(a) Submit evidence of his ownership or interest in the vehicle, satisfactory to the chief of police, that such claim is rightful; and

(b) Pay the costs due and owing at the time the application to redeem is made.

(2) Upon compliance with Subsection (1) of this section, the chief of police shall execute a receipt for the owner and cause the vehicle to be returned to him.

Section 9: SALE AND PROCEEDS.

(1) Upon a sale being consummated, the chief of police shall deliver the vehicle and the certificate of sale to the purchaser. The sale and conveyance shall be without redemption.

(2) The proceeds of the sale shall be applied:

(a) To the payment of costs incurred by the city; and

(b) The balance, if any, shall be transferred to the city treasurer to be credited to the general fund.

Section 10: APPLICATION. This ordinance shall apply to all abandoned vehicles now in possession of the city as well as to abandoned vehicles that are hereafter impounded.

Section 11: CHARGES In the enforcement and execution of the provisions of this ordinance, the chief of police shall charge and collect \$10.00 for towing and \$2.00 per day for storage, unless a private garage is utilized, in which case the chief of police shall charge and collect the towing and storing charges actually incurred by the city

shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED this 12th day of November, 1974, by Six

(6) Councilpersons voting therefor.

APPROVED this 12 day of November, 1974

ATTEST:

Warner L. Stein, Mayor

Ron Scoubes, City Recorder

ORDINANCE NO. 17
SERIES, 1974

AN ORDINANCE VACATING THAT PORTION OF COLUMBUS STREET WEST OF NORTH 17th STREET, 87.5 FEET IN ELGIN, OREGON ALSO DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 1, BLOCK 18, NORTH ELGIN ADDITION TO THE CITY OF ELGIN, THENCE WEST 87.5 FEET TO THE CITY LIMIT LINE, THENCE NORTH 60 FEET TO SOUTHWEST CORNER OF LOT 12, BLOCK 7, THENCE EAST 87.5 FEET TO SOUTHEAST CORNER OF LOT 12, BLOCK 7, THENCE SOUTH 60 FEET TO POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF:

WHEREAS, the City Council of the City of Elgin, Oregon, by Resolution No. 19, Series 1974, initiated vacation proceedings for that portion of Columbus Street west of North 17th Street, 87.5 feet is platted in North Elgin Addition to the City of Elgin, Oregon according to the recorded plat thereof, and

WHEREAS, a notice of hearing in connection with said vacation proceedings was given which provided that all objections, remonstrances or claims for damages as a result of said proposed vacation were to be presented and filed with the City Recorder in writing prior to the hour of 7:30 o'clock P. M. on the 12th day of November, 1974, in the City Hall at Elgin, Oregon; and said notice was given by posting and publishing the same as required by statute and as shown by the Affidavit of Publication and Affidavit of Posting heretofore filed with the City Recorder, and,

WHEREAS, no objections have been rendered or filed against such vacation,

has been given in accordance with ORS 271.110 and resolution No.19, Series 1974.

2. That the owners of the majority of the area affected thereby have not objected to said vacation as hereinabove described.

3. That the proposed street vacation will not substantially affect the market value of the property in the vicinity thereof.

4. That no one will be adversely affected by the vacation of Columbus Street, west of North 17th Street, 87.5 feet in ELGIN, Oregon, also described as: Beginning at the northeast corner of Lot No. 1, Block 18, NORTH ELGIN ADDITION, to the City of Elgin, thence west 87.5 feet to City limit line, thence North 60 feet to southwest corner of Lot 12, Block 7, thence East 87.5 feet to southeast corner of Lot 12, Block 7, thence South 60 feet to point of beginning according to the recorded plat thereof: and that said street be and the same hereby is vacated and that the title thereto shall attach to the land bordering on such area in equal portions in accordance with ORS 271.140.

5. In as much as the preservation of the public health, safety and welfare of the citizens of the City of Elin, Oregon, demand immediate adoption of this ordinance, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this 12 day of November, 1974, by 6 Council members voting therefor.

APPROVED, this 2 day of November, 1974.

RECORDED

1975

STATE OF OREGON } ss
County of Union }

I certify that the within instrument
of writing was received for record on
the 19 day of
March 1975 at 2:45
o'clock P.M., and recorded on page
— in book — Record of
Deeds of said County.
SHIRLEY L. BOLIN County Clerk,
By Babara C. Baker Deputy.

ORDINANCE NO. 17

SERIES, 1974

AN ORDINANCE VACATING THAT PORTION OF COLUMBUS STREET WEST OF NORTH 17th STREET, 87.5 FEET IN ELGIN, OREGON ALSO DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 1, BLOCK 18, NORTH ELGIN ADDITION TO THE CITY OF ELGIN, THENCE WEST 87.5 FEET TO CITY LIMIT LINE, THENCE NORTH 60 FEET TO SOUTHWEST CORNER OF LOT 12, BLOCK 7, THENCE EAST 87.5 FEET TO SOUTHEAST CORNER OF LOT 12, BLOCK 7, THENCE SOUTH 60 FEET TO POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF:

WHEREAS, the City Council of the City of Elgin, Oregon, by Resolution No. 19, Series 1974, initiated vacation proceedings for that portion of Columbus Street west of North 17th Street, 87.5 feet is platted in North Elgin Addition to the City of Elgin, Oregon, according to the recorded plat thereof, and

WHEREAS, a notice of hearing in connection with said vacation proceedings was given which provided that all objections, remonstrances or claims for damages as a result of said proposed vacation were to be presented and filed with the City Recorder in writing prior to the hour of 7:30 o'clock P. M. on the 12th day of November, 1974, in the City Hall at Elgin, Oregon; said notice was given by posting and publishing the same as required by statute and as shown by the Affidavit of Publication and Affidavit of Posting heretofore filed with the City Recorder, and,

WHEREAS, not objections have been rendered or filed against such vacation,

has been given in accordance with ORS 271.110 and Resolution No. 19, Series 1974.

2. That the owners of the majority of the area affected thereby have not objected to said vacation as hereinabove described.

3. That the proposed street vacation will not substantially affect the market value of the property in the vicinity thereof.

4. That no one will be adversely affected by the vacation of Columbus Street, west of North 17th Street, 87.5 feet in Elgin, Oregon, also described as: Beginning at the northeast corner of Lot no. 1, Block 18, NORTH ELGIN ADDITION, to the City of Elgin, thence west 87.5 feet to City limit line, thence North 60 feet to southwest corner of Lot 12, Block 7, thence east 87.5 feet to south-east corner of Lot, Block 7, thence south 60 feet to point of beginning according to the recorded plat thereof; and that said street be and the same hereby is vacated and that the title thereto shall attach to the land bordering on such area in equal portions in accordance with ORS 271.140.

5. In as much as the preservation of the public health, safety and welfare of the citizens of the City of Elgin, Oregon, demand immediate adoption of this ordinance, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage and approval.



PASSED AND ADOPTED this _____ day of November, 1974, by _____ council members voting therefor.

APPROVED this _____ day of November, 1974.


Being fully informed of the proposed vacation of Columbus Street west of North 17th Street, 87.5 feet also described as:

Beginning at the northeast corner of Lot 1, Block 18, North Elgin Addition to the City of Elgin, thence west 87.5 feet to City Limit line, thence north 60 feet to southwest corner of Lot 12, Block 7, thence east 87.5 feet to southeast corner of Lot 12, Block 7, thence south 60 feet to point of beginning.

Being an abutting (affected) property owner thereto, do give my express consent that said street be vacated.

DATED this 12 day of November, 1974.


Ron Scoubes, City Recorder
City of Elgin, Oregon

CERTIFICATE OF CITY RECORDER REGARDING TAXES

STATE OF OREGON)
: ss.
COUNTY OF UNION)

I, RON SCOUTES, do hereby certify:

That I am the duly appointed, qualified and acting City Recorder
for the City of Elgin, Oregon.

That all city liens and all taxes on the property affected by the
vacation of Columbus Street west of North Seventeenth Street, 87.5, feet
in North Elgin Addition to the City of Elgin, Oregon, have been paid.

DATED this 12 day of November, 1974.




Ron Scoutes, City Recorder
City of Elgin, Oregon

NOTICE OF STREET VACATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Elgin, Oregon, will, on the 12th day of November, 1974, at the hour of 7:30 P. M. in the City Hall at Elgin, Oregon, hold a hearing in connection with its resolution and vacation proceedings initiated by the City Council, on the 8th day of October, 1974, whereby it was proposed to vacate that portion of Columbus Street west of North 17th Street, 87.5 feet in Elgin, Oregon, according to the recorded plat thereof, and the City Council will, at that time, hear and consider all objections, remonstrances or claims for damages as a result of such proposed vacation which may be presented and filed with the City Recorder in writing prior to the time of hearing.

DATED AND POSTED this 8 day of October, 1974.


Ron Scoubes, City Recorder
City of Elgin, Oregon

BEFORE THE CITY COUNCIL OF THE CITY OF ELGIN OREGON

IN THE MATTER OF THE VACATION OF)
PUBLIC STREET DESCRIBED AS:)
COLUMBUS STREET WEST OF 17th)
STREET.)


AFFIDAVIT OF POSTING

I, RON SCOUTES, being first duly sworn depose and say:

THAT I am the newly appointed qualified and acting City Recorder of the City of Elgin, Union County, Oregon; I am a citizen of the United States; over the age of 21 years and a resident of the City of Elgin, Union County, Oregon.

On the 11th day of October, 1974, I posted the hereto attached Notice of Street Vacation in public view in the following places, to-wit:

Utility pole at intersection of 17th and Columbus Street.



Ron Scoutes, City Recorder
City of Elgin, Oregon.

ORDINANCE NUMBER 16

SERIES 1974

3 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF ELGIN,
4 OREGON, GENERAL OBLIGATION WATER BONDS IN THE PRINCIPAL SUM OF
5 \$600,000.00 TO FARMERS HOME ADMINISTRATION FOR THE PURPOSE OF PRO-
6 VIDING A PORTION OF THE COST OF ACQUISITION, CONSTRUCTION AND REPAIR
7 OF A WATER SYSTEM WITHIN AND WITHOUT THE BOUNDARIES OF THE CITY OF
8 ELGIN, OREGON; PROVIDING FOR THE FORM AND TERMS OF SAID BONDS; AUTHOR-
9 IZING PAYMENT OF THE SAME; DECLARING AN EMERGENCY; AND, REPEALING
10 ORDINANCE NUMBER 5, SERIES 1974.

11 WHEREAS, the City Council of the City of Elgin, Oregon, has been
12 duly authorized by a majority vote at a special election held February
13 26, 1974, to issue water bonds in an amount not to exceed the sum of
14 \$600,000.00, in excess of any existing bond issue, for the construc-
15 tion, acquisition, reconstruction, repair, extension and improvement
16 of a municipal water system within and without the City of Elgin,
17 Oregon, hereinafter called "Facility," and

18 WHEREAS said bond authorization was duly published, authorizing
19 the sale of said bonds and there were no bids received for the purchase
20 of said bonds at the time designated for the receipt of said bonds;
21 and concurrently therewith and subsequent thereto the City has com-
22 menced negotiations with the Farmers Home Administration of the

1 appropriate to finance, construct, complete, equip and extend the
2 Facility for and on behalf of the City, NOW, THEREFORE,

3 THE CITY OF ELGIN, OREGON, ORDAINS as follows:

4 Section 1: DETERMINATION OF COUNCIL. It is necessary to defray
5 a portion of the cost of constructing and equipping the Facility by
6 obtaining a loan made by the Government in accordance with applicable
7 provisions of the Consolidated Farmers Home Administration Act of
8 1961, it being determined by the Government that the City is unable
9 to obtain sufficient credit elsewhere to finance the Facility taking
10 into consideration prevailing private and cooperative rates and terms
11 concurrently available.

12 Section 2: TERMS OF LOAN. That the City borrow \$600,000.00 and
13 issue as evidence thereof general obligation installment water bonds
14 for the full principal amount of the loan. The bonds shall be dated
15 with the dates of delivery thereof, and shall be in principal install-

16 ments as follows:

17	Proposed Issue and Delivery Date	Principal Installment
----	-------------------------------------	--------------------------

18		
19	October 1, 1974	\$ 200,000.00
	February 1, 1975	160,000.00
20	May 1, 1975	150,000.00
	July 1, 1975	90,000.00
21		

22 The above maturity schedule, proposed issue and delivery dates

1 KNOW ALL MEN BY THESE PRESENTS: That the City of Elgin, Union
2 County, Oregon, hereinafter called the "Borrower," hereby acknowledges
3 itself indebted and for value received, promises to pay to the order
4 of the United States of America, acting through the Farmers Home
5 Administration, United States Department of Agriculture, hereinafter
6 called the "Government," the principal sum of \$600,000.00, plus
7 interest on the unpaid principal balance at the rate of five percent
8 (5%) per annum. The said principal and interest shall be payable in
9 the following installments on or before the following dates: Interest
10 only on the 1st day of July, 1975, and the sum of \$ _____ annually
11 thereafter on the 1st day of January until the principal and said
12 interest are fully paid, except that the final installment of the
13 entire indebtedness evidenced hereby, if not sooner paid, shall be due
14 and payable thirty (30) years from the date of this bond. In lieu of
15 coupons evidencing semi-annual interest, unpaid accrued interest shall
16 be paid on the 1st day of July of each year and the amount of interest
17 so paid shall be deducted from the next succeeding installment of
18 \$ _____ due the next succeeding 1st day of January.

19 All or a part of the outstanding bond installments may be paid in
20 inverse numerical order on any interest payment date without premiums
21 except that bond proceeds remaining unused at the time construction is
22 completed will be used immediately to pay installments on the bond in
23 inverse numerical order without premiums.

24 This bond shall be registered as to principal and interest in the
25 name of The United States of America in an appropriate book in the
26 office of the Recorder of the Borrower. Each registration to be noted
27 on the back hereof by said Recorder and no transfer hereof shall be
28 valid unless made on said book and similarly noted on the back hereof.

29 Both the principal and interest shall be paid to the United
30 States of America at such registered holder at the office of the
31 Farmers Home Administration serving Union County, Oregon.

32 Default hereunder shall constitute default under any other
33 instrument evidencing a debt of Borrower owing to or insured by the
34 Government or securing or otherwise relating to such a debt, and
35 default under any other such instrument shall constitute default here-
36 under upon default and Government in its option may declare all or any
37 part of said indebtedness immediately due and payable.

38 This Bond is given as evidence of a loan to Borrower made by the
39 Government pursuant to the Consolidated Farmers Home Administration

1 This Bond is exchangeable at the sole expense of the Borrower, at
2 any time, upon ninety (90) days written notice, at the request of the
3 registered owner hereof, and upon surrender of this bond to Borrower
4 at the office of the Recorder of the Borrower for negotiable coupon
5 bonds payable to bearer registered as to principal only of the denom-
6 ination of \$ _____ each, in the aggregate principal amount equal
7 to the unpaid principal amount of the bond, and bearing interest on
8 the unpaid principal balances at the rate of five percent (5%) per
9 annum.

10 It is hereby certified, recited and declared that all acts, con-
11 ditions and things required to exist, happen and be performed prece-
12 dent to and in the issuance of this bond have existed, have happened,
13 and have been performed in due time, form and manner as required by
14 law, that the amount of this bond, together with all obligations of
15 the Borrower does not exceed any limits prescribed by the Constitution
16 and statutes of the State of Oregon and the Charter and ordinances of
17 the City of Elgin, Oregon.

18 IN WITNESS WHEREOF, the City of Elgin, Oregon, has caused this
19 bond to be signed by the Mayor of said City and its corporate seal to
20 be affixed hereto and attested by the Recorder of said City, all as of
21 the 1st day of _____, 1974.

CITY OF ELGIN, UNION COUNTY, OREGON

By: _____
Mayor

Attest: _____
Recorder

22 Section 3: PLEDGE OF REVENUE. The unobligated net revenues of
1 the water system after payment from gross revenue of the system of the
2 ordinary operation and maintenance expenses thereof, hereby is pledged
3 to the payment of the principal of and interest upon the said bond.
4 The Council of said City, each year, shall include in the general tax
5 levy of the City a special levy sufficient with other monies available

1 shall be deposited in a bank which is a member of the Federal Deposit
2 Insurance Corporation. The Recorder shall execute a fidelity bond in
3 the amount of not less than \$20,000.00 with a surety company approved
4 by the Farmers Home Administration and the United States of America
5 shall be named as co-obligee in such bond and the amount thereof shall
6 not be reduced without the prior written consent of Farmers Home
7 Administration. The City Recorder is hereby directed to establish the
8 following accounts into which the current funds of the City, bond
9 proceeds, the revenues from the facility and other income shall be
10 deposited, which account shall be continually maintained, except as
11 otherwise provided, so long as the bonds hereby authorized remain
12 unpaid.

13 (a) Construction Account. The proceeds of the bonds
14 hereby authorized shall be deposited in the Construction Account
15 which shall be established as a "Supervised Bank Account" as
16 required by the Government. Amounts in the supervised bank
17 account exceeding \$20,000.00 shall be secured by the depository
18 bank in advance in accordance with the U. S. Treasury Department
19 circular No. 176. Withdrawal from the supervised bank account
20 shall be made only on checks signed by the City Recorder of the
21 City as authorized by the City Council from time to time, counter-
22 signed by the County Supervisor of the Farmers Home Administra-

1 whole instalment will be transferred to the reserve account.
2 The construction account shall then be closed.

3 (b) Revenue Fund Account. As soon as the facility-becomes
4 revenue producing, the gross revenues shall be set aside into a
5 separate account to be designated the "Revenue Fund Account," and
6 monies so deposited therein shall be expended and used only in
7 the manner and order as follows:

8 (1) Operation and Maintenance Account (Bookkeeping
9 Account). There shall be set aside and deposited each month
10 before any other expenditures therefrom, a sufficient
11 portion of the income and revenue in the revenue account to
12 pay the reasonable and necessary current expenses of operat-
13 ing and maintaining the facility for the current month.

14 (2) Debt Service Account (Bookkeeping Account).
15 After the transfer required in (1) above, there shall be
16 transferred each month from the Revenue Fund Account, before
17 any other expenditures or transfers therefrom, and deposited
18 in the Debt Service Account for payment of the annual in-
19 stalment of the note, a sum equal to at least one-twelfth
20 (1/12) of the annual instalment becoming due on the next
21 succeeding 1st day of January.

22 If the City for any reason shall fail to make such

1 in excess of the requirements thereof, such excess may
2 be used by the City to make prepayments on the loan.

3 (3) Reserve Account (Bookkeeping Account). Out of the
4 balance of income and revenue in the revenue fund account
5 remaining after the transfers required in (1) and (2) above
6 have been made, there shall be set aside and deposited in
7 the reserve account the sum of \$325.00 each month until there
8 is accumulated in that fund the sum of \$39,000.00, after
9 which no further deposits need be made into said account
10 except as to replace withdrawals. The reserve account
11 shall be used and disbursed only for the purpose of paying
12 the costs of repairing or replacing any damage to the
13 facility which may be caused by any unforeseen catastrophe,
14 for making extensions or improvements to the facility, and
15 when necessary for the purpose of making payments of princi-
16 pal and interest on the bonds hereby authorized in the
17 event the amount of the debt service account is insufficient
18 to meet such payments. Whenever disbursements are made from
19 said account, said monthly deposits shall be resumed until
20 there is again accumulated the amount of \$39,000.00, at
21 which time deposits may be again discontinued.

22 Section 5: DEFAULT. In the event of default in the payments of

1 incident to the making or insuring of the loan may be construed by
2 the Government to constitute default under any other instrument held
3 by the Government and executed or assumed by the City, and default
4 under any such instrument may be construed by the Government to con-
5 stitute default hereunder.

6 Section 6: OTHER COVENANTS AND AGREEMENTS OF THE CITY. The
7 City covenants and agrees that so long as the bonds hereby authorized
8 remain unpaid:

9 (a) It will indemnify the Government for any payments made
10 or losses suffered by the Government as a result of or in con-
11 nection with the facility.

12 (b) It will comply with applicable state laws and regula-
13 tions and continually operate and maintain the facility in good
14 condition.

15 (c) It will impose and collect such rates and charges for
16 the use of the facility that gross revenues will be sufficient
17 at all times and to provide for the payment of the operation
18 and maintenance thereof and the payments on the bonds hereby
19 authorized and the maintenance of the various funds herein
20 created; that all use of the facilities shall be subject to the
21 full rates prescribed in the rules and regulations of the City;
22 that no free-use of the facility will be permitted by any

1 (e) It will maintain such insurance coverage as may be
2 required by Farmers Home Administration.

3 (f) It will not borrow any money from any source or enter
4 into any contract or agreement or incur any other liabilities in
5 connection with making extensions or improvements to the facility
6 exclusive of normal maintenance without obtaining the prior
7 written consent of the Farmers Home Administration.

8 (g) It will not cause or permit any voluntary dissolution
9 of its organizations; merge or consolidate with any other organi-
10 zation, dispose of or transfer its title to the facility or any
11 part thereof, including lands and interest in lands, by sale,
12 mortgage, lease or other encumbrance, without obtaining the prior
13 written consent of Farmers Home Administration.

14 (h) It will not modify or amend the City Charter or the
15 ordinances of the City in any manner relating to the facility
16 without the prior written consent of the Farmers Home Adminis-
17 tration.

18 (i) It will cause to be levied and collected such assess-
19 ments as may be necessary to operate and maintain the facility in
20 good condition and meet payments on the bonds when the same
21 become due if, for any reason, gross revenues are insufficient.

Section 6. PERTINANCING If at any time it shall appear to the

1 and on behalf of the City, form FHA 400-1 entitled "Equal Opportunity
2 Agreement", and form FHA 400-4 entitled "Non-discrimination Agreement"
3 as required by the provisions of Title VI of the Civil Rights Act of
4 1964.

5 Section 8: ORDINANCE A CONTRACT. The provisions of this ordi-
6 nance shall constitute a contract between the City and the Government
7 so long as any of the bonds hereby authorized remain unpaid.

8 Section 9: EFFECTIVE DATE OF ORDINANCE. This ordinance shall
9 take effect and be in effect and force from and after the 26th day
10 of September, 1974.

11 Section 10: EMERGENCY CLAUSE. The Council desires and deems
12 it necessary and advisable for the immediate preservation of the
13 health, peace and safety of the City of Elgin that this ordinance
14 become effective at once, for the reason that the water system of
15 said town is inadequate to meet its needs and plans for the new
16 construction and improvements must be commenced at once in order
17 to be ready for use as soon as possible and, therefore, an emergency
18 is hereby declared to exist and this ordinance shall be in full force
19 and effect from and after its passage and approval.

20 Section 11: REPEAL. Ordinance Number 5, Series 1974, be, and
21 the same is hereby, repealed.

22 PASSED this 26th day of September, 1974, by *[Signature]*

ORDINANCE NUMBER 15

SERIES 1974

AN ORDINANCE DEFINING AND REGULATING GAMBLING IN THE CITY OF ELGIN;
PROVIDING FOR LICENSING AND FEES; PROVIDING PENALTIES FOR THE VIOLA-
TION THEREOF; AND, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT HEREWITH.

THE CITY OF ELGIN does ordain as follows:

Section 1: PROHIBITION.

(1) No person shall participate in, operate or assist in operat-
ing any gambling game or activity, including a lottery. No person
shall have in his possession any property, instrument or device
designed or adapted for use in any type of gambling activity. Any such
property, instrument or device is a nuisance and may be summarily
seized by any police officer. Property so seized shall be placed in
the custody of the Chief of Police of the City of Elgin. Upon con-
viction of the person owning or controlling such property for a
violation of this section the Municipal Judge shall order such
property confiscated and destroyed.

Section 2: DEFINITIONS.

(1) The term "gambling" means that a person stakes or risks
something of value upon the outcome of a contest of chance or a
future contingent event not under his control or influence, upon an

conditions: The contest is played for some token other than money; an individual contestant may not purchase more than \$10.00 worth of tokens for use in the contest during any twenty-four (24) hour period; the tokens may be exchanged only for property other than money; except where the tokens are exchanged for a beverage or merchandise to be consumed on the premises, the tokens are not redeemable on the premises where the contest is conducted or within fifty (50) miles thereof; and, except for charitable organizations, no person who conducts a contest as owner, agent or employee profits in any manner from operation of the contest. "Charitable organization" means any person organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or other non-profit purposes. The fact that contributions to an organization profiting from the contest do not qualify for charitable deductions for tax purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, constitutes prima facie evidence that the organization is not a bona fide charitable organization.

(c) Social Games. The term "Social Games" means:

Section 3: LICENSE REQUIRED FOR SOCIAL GAMES.

(1) From and after this date, it shall be unlawful for any private business, private club or place of public accommodation to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any social game in the City of Elgin without having a valid license from said City. Licenses shall be granted only to persons of ascertained good moral character and upon approval of the City Council. Holders of existing licenses must make application under this ordinance within thirty (30) days of its passage.

Section 4: APPLICATION FOR LICENSE.

(1) Applications for license issued hereunder shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

(a) The full name, age, residence, present and previous occupations of all persons financially interested in the business.

(b) The past criminal record, if any, of all persons who may have interest in the business.

(c) A specific description of the location of the principal place of business of the applicant.

(d) Such other information as the Chief of Police shall find reasonably necessary to effectuate the general purpose of

2
3 command the confidence of the public, and if the applicant has ever
4 been convicted of any felony or misdemeanor involving moral turpitude.
5 Upon the determination of the above matters by the Chief of Police
6 he shall thereupon submit a written report of his findings to the
7 City Council of the City and recommend that the license be issued
8 or denied.

9 Section 6: NOTICE OF DENIAL OR REVOCATION.

10 (1) The Chief of Police shall act upon the application for
11 license within thirty (30) days after the filing thereof. If the
12 Chief of Police disapproves the application, he shall mail to the
13 applicant forthwith a notice of his action setting forth the
14 reasons for his adverse recommendation to the City Council. Any
15 person aggrieved shall have the right to appeal the recommendation
16 of the Chief of Police as to denial or revocation to the City
17 Council. The appeal shall be taken within ten (10) days after
18 receipt of notice, and shall be made by written notice to the
19 Council that the aggrieved appeals the denial or revocation of
20 said license. The City Council shall act upon the appeal within
21 forty (40) days after receipt of said notice of appeal, and its
22 action shall be final.

23 Section 7: ANNUAL LICENSE FEE.

(1) A license shall be issued to each successful applicant upon

primary reason for the existence of the society, club or fraternal organization.

3 Section 8: CONDITIONS OF LICENSING.

4 (1) Transferability. Licenses issued hereunder shall not be
5 transferable.

6 (2) Revocation and Suspension. Licenses issued hereunder shall
7 be subject to revocation or suspension by the City Council for viola-
8 tion of any of the provisions of this ordinance or misconduct by the
9 licensee or his employees, after reasonable notice and an opportunity
10 to be heard has been given the licensee. The Chief of Police shall
11 give such notice.

12 (3) Renewal of Licenses. The City Recorder shall issue renewal
13 licenses to all licensees whose licenses have not been suspended
14 at the time said licenses have expired, upon payment of the annual
15 license fee.

16 (4) Term of License. All licenses issued hereunder shall be
17 for a period of one year.

18 (5) Supervision. Each licensee shall have a person whose duty
19 shall be to supervise the social games and see to it that they are
20 played strictly in accordance with this ordinance and within the
21 provisions of the Oregon Revised Statutes.

22 (6) Time Periods. No licensee shall conduct social games

itted to participate in any social game or to enter or remain in any room in which such game is being played.

Section 9: REGULATIONS BY CHIEF OF POLICE.

(1) The Chief of Police shall have the authority to enact and enforce reasonable rules and regulations for the operation of social games in the interest of public safety, morals and welfare and to effectuate the general purpose of this ordinance.

Section 10: SUBSEQUENT REVOCATION.

(1) If at any time new facts arise or become known to the City Council which would be sufficient to warrant refusal or withholding of a license under the terms of this ordinance, the City Council shall notify the licensee through the Chief of Police of such facts and further inform the licensee that unless the same are satisfactorily explained and this ordinance forthwith complied with, the license shall be revoked.

Section 11: PENALTIES.

(1) In addition to the suspension or revocation of any license issued hereunder, any person, firm or corporation who violates any provisions of this ordinance or any rule or regulations lawfully promulgated in accordance herewith shall, upon conviction, be fined in an amount not to exceed \$300.00 or imprisonment not to exceed sixty (60) days, or both.

(1) All ordinances or parts of ordinances in conflict herewith
are hereby repealed.

PASSED and ADOPTED this 10 day of September, 1974, by
Mayor (5) Councilpersons voting therefor.

APPROVED this 10 day of September,
1974.

ATTEST:

William A. Stearns
Mayor

City Recorder

ORDINANCE NO. 14

SERIES 1974

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES OF THE CITY OF ELGIN, OREGON, IN THE AGGREGATE PRINCIPAL SUM OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COST OF ACQUISITION, CONSTRUCTION AND REPAIR OF A WATER SYSTEM WITHIN AND WITHOUT THE BOUNDARIES OF THE CITY OF ELGIN, OREGON, AND AUTHORIZING AND DIRECTING THE CITY RECORDER TO ADVERTISE FOR WRITTEN BIDS ON SAID NOTES, AND DECLARING AN EMERGENCY.

WHEREAS the City Council of the City of Elgin, Oregon, having been authorized by a majority vote at a special election held February 26, 1974, to issue general obligation water bonds in an amount not to exceed the sum of Six Hundred Thousand Dollars (\$600,000.00), payable from the net revenues of the water system of the said City and from taxation for the purpose of providing funds to be used for the acquisition, construction and repair of a water system within and without the boundaries of the City of Elgin, Oregon, and, after said bonds were advertised for bids, the Farmers Home Administration, an agency of the Federal Government, agreed in writing to purchase said bonds from currently available funds at an interest rate of five per cent (5%) per annum. The said bonds to be delivered and dated November 1, 1975; and

1 cost of acquisition, construction and repair of water system within
2 and without the boundaries of the City of Elgin, Oregon, including
3 the acquisition of such easements and property rights, the cost of
4 construction, engineering expense, legal fees and other related costs.
5 Said notes shall be in usual form, shall be negotiable, shall
6 be limited general obligations, and shall be in the amounts and dated
7 as set forth below and shall bear interest at the rate bid, both to
8 principal and interest payable on or before the due date as follows:

9	<u>Date of Issue</u>	<u>Amount</u>	<u>Due Date</u>
10	October 1, 1974	\$ 140,000.00	October 1, 1975
	February 1, 1975	160,000.00	October 1, 1975
11	May 1, 1975	180,000.00	October 1, 1975
12	July 1, 1975	120,000.00	October 1, 1975

13 City reserves the right to reject any and all bids for the notes.

14 The Farmers Home Administration has agreed to purchase an issue

15 of general obligation water bonds of the City of Elgin in the aggregate
16 principal amount of not less than Six Hundred Thousand Dollars

17 (\$600,000.00), the proceeds of which will be used to retire the notes.

18 Section 2: The notes will be sold for not less than their par

19 value to the bidder offering the lowest effective interest rate to the

20 City. The bid must contain a statement of the net interest cost. The

21 notes will be issued pursuant to the applicable provisions of Chapter

22 488, Oregon Laws, 1973 regular session. Both principal and interest

1 of America at the office of the City Recorder of the City of Elgin,
2 Oregon, and the notes will be signed by the mayor and countersigned
3 by the city recorder, with the corporate seal of the City affixed.

4 The principal and interest of the notes and the interest thereon shall
5 be payable in full not later than the due date thereof, but only from
6 and at the time of receipt of the proceeds of the sale of the general
7 obligation water bonds issued to finance such construction, and from
8 the funds provided from water revenues and taxation as hereinafter
9 prescribed, for the payment of interest accruing thereon. The maturity
10 date of said notes, hereinabove specified, is the date estimated by
11 the City as the completion of the project for which the bonds above-
12 mentioned and the said interim financing has been secured.

13 Section 3: As provided in Chapter 488, Oregon Laws, 1973

14 regular session, the city recorder is hereby authorized and directed
15 to advertise the promissory notes for public sale or written bids at
16 a price not less than par value and to bear interest at the interest
17 rate bid, but in no event to bear interest at a net effective rate in
18 excess of that authorized and limited by ORS 288.510, the sale to be
19 held September 26, 1974, at 8:00 o'clock p.m.; and the notice thereof
20 shall specify that the City reserves the right to reject any or all
21 bids for the notes. A certified or cashier's check of or on a bank
22 doing business in the State of Oregon payable to the order of the

1 any or all of the promissory notes are purchased by any bank in the
2 State of Oregon, the city recorder may cause the funds to be deposited
3 in said bank to the extent that it is insured by the Federal Deposit
4 Insurance Corporation. The city recorder is directed to establish the
5 following account into which the note proceeds and the revenues from
6 the water system shall be deposited for so long as the said notes
7 remain outstanding and unpaid, which account shall be continued and
8 maintained for said purpose, except as otherwise herein provided, for
9 so long as the said notes remain unpaid:

11 Construction Account: The proceeds of the notes hereby
12 authorized shall be deposited in the construction account
13 which shall be established as a "supervised banking account".
14 The amounts in the supervised bank account exceeding the
15 insurance available from the Federal Deposit Insurance
16 Corporation shall be secured by the depository bank in
17 accordance with state and federal law. Withdrawals from the
18 supervised bank account shall be made only on checks signed
19 by the city recorder of the City as authorized by the City
20 Council from time to time, countersigned by the county
21 supervisor of the Farmers Home Administration, or his
22 designee, and only for the purposes for which the note was
issued as specified in the estimate of cost. The City's
share of any liquidated damages and other monies paid by
defaulting contractors or their sureties shall be deposited
in the construction account to assure completion of the
project. When the construction of the project has been
completed, or all construction costs have been paid in full,
any balance remaining in the construction account shall be
used immediately to pay or apply on the payment of any such
notes as may thereafter fall due, or, if said notes have
been paid from the proceeds of the sale of the said general
obligation water bonds, then the said balance shall be
applied to the payment of bonds issued by the water utility.

1 PASSED this 10th day of September, 1974, by five (5)
2 Councilpersons voting therefor.

3 APPROVED this 10th day of September, 1974.

4 Warner L. Stein
5 WARNER L. STEIN, Mayor

6 ATTEST:

7 Ron Scoubes
8 Ron Scoubes, City Recorder

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SUBDIVISION ORDINANCE

7-13

CITY OF ELGIN, OREGON

Prepared for the

ELGIN CITY COUNCIL

1 SUBDIVISION ORDINANCE
2 City of Elgin, Oregon

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ORDINANCE NUMBER 13

SERIES 1974

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF ELGIN, OREGON.

THE CITY OF ELGIN, OREGON, ORDAINS as follows:

Section 1: TITLE. This ordinance shall be known as the Subdivision Ordinance of the City of Elgin, Oregon.

Section 2: PURPOSE. The purpose of this ordinance is to allow for the orderly and economic development of land under the jurisdiction of the City of Elgin, Oregon. The ordinance provides rules, regulations, and standards to govern the approval of plats of subdivisions, and the partitioning of land by the creation of a street or way. The ordinance is intended to insure adequate provision for traffic movement, light and air, water supply, sewerage, drainage, and community facilities, and in general to protect the public health, safety and welfare.

Section 3: APPROVAL OF SUBDIVISIONS. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the City Council in accordance with these regulations. A person desiring to subdivide land, or partition land by creating a street or way shall submit preliminary plans and final

1 adjustments made from time to time to meet changing conditions or
2 unanticipated problems and conditions affecting the public or land
3 owners.

4 (6) Easement. A grant of the right to use a strip of land for
5 specific purposes.

6 (7) Frontage. All the property abutting a street.

7 (8) Lot. A parcel or tract of land.

8 (9) Lot, double frontage. A lot having frontage on two parallel

9 or approximately parallel streets other than alleys.

10 (10) No access strip. A narrow strip of land adjacent to a right

11 of way dedicated to exclude vehicular ingress or egress from the right

12 of way.

13 (11) Pedestrian Way. A dedicated right of way for pedestrian

14 traffic.

15 (12) Person. Every natural person, firm, partnership, associa-

16 tion, or corporation.

17 (13) Plat. Includes a final map, diagram, drawing, replat, or

18 other writing containing all the descriptions, locations, specifica-

19 tions, dedications, provisions and information concerning a subdivision

20 by which the subdivider's plan of subdivision is presented, and which

21 he submits for approval and intends in final form to record.

22 (14) Right of way. The area between boundary lines of a street

1 wise abutting on another street.

2 (b) Arterial. A street which is used primarily for through
3 traffic or which, by its location, will likely be needed for
4 such use in the normal growth of the area.

5 (c) Collector. A street supplementary to the arterial
6 street system used to some extent for through traffic and to
7 some extent for access to abutting properties.

8 (d) Cul-de-sac (dead-end street). A street having one
9 end open to traffic and being terminated by a turn-around.

10 (e) Half-street. A portion of the width of a street,
11 usually along the edge of a subdivision where the remaining
12 portion of the street has been or could later be provided in
13 another subdivision.

14 (f) Local street. A residential street intended
15 exclusively for access to abutting properties.

16 (g) Marginal access street (frontage road). A minor
17 street parallel and adjacent to a major arterial street pro-
18 viding access to abutting properties, but protected from
19 through traffic.

20 (18) Street plug. A narrow strip of land located between a
21 subdivision and other property, not dedicated to public use, but con-
22 veyed to the city or county for the purpose of giving the city or

1 City Council meeting at which the plat will be considered.

2 Section 6: SCALE. The Preliminary Plat shall be drawn on a
3 sheet 18 x 24 inches in size or a multiple thereof at a scale of one
4 inch equals 100 feet or, for areas over 100 acres, one inch equals
5 200 feet.

6 Section 7: GENERAL INFORMATION. The following general informa-
7 tion shall be shown on the Preliminary Plat.

8 (1) Proposed name of the subdivision. This name must not dupli-
9 cate nor resemble the name of another subdivision in the county and
10 shall be approved by the City Council.

11 (2) Date, northpoint, and scale of drawing.

12 (3) Appropriate identification clearly stating the map is a
13 preliminary plat.

14 (4) Location of the subdivision sufficient to define the loca-
15 tion and boundaries of the proposed tract.

16 (5) Names and addresses of the owner, subdivider, and
17 engineer or surveyor.

18 Section 8: EXISTING CONDITIONS. The following existing condi-
19 tions shall be shown on the Preliminary Plat:

20 (1) The location, width, and names of all existing or platted
21 streets within or adjacent to the tract, together with easements and
22 other important features, such as section lines and corners, city

1 information shall be included on the Preliminary Plat.

2 (1) The location, width, name and approximate grade of all
3 streets. The relationship of all streets to any projected streets
4 as shown on any development plan adopted by the City Council, or, if
5 no development plan has been adopted, as may be suggested by the
6 City Council in order to assure adequate traffic circulation.

7 (2) The location and purpose of easements.

8 (3) The location, approximate dimensions, and proposed lot
9 numbers of all lots.

10 Section 10: PARTIAL DEVELOPMENT. Where the plat to be sub-
11 divided contains only part of the tract owned or controlled by the
12 subdivider, the City Council may require a sketch of a tentative
13 layout for streets in the unsubdivided portion.

14 Section 11: EXPLANATORY INFORMATION WITH PRELIMINARY PLAT. The
15 following information shall be submitted in separate statements
16 accompanying the Preliminary Plat or, if practicable, shall be shown
17 on the Preliminary Plat:

18 (1) A vicinity map, showing existing subdivisions, streets, and
19 unsubdivided land ownerships adjacent to the proposed subdivision
20 and showing how proposed streets may be extended to connect the
21 existing streets.

22 (2) Proposed deed restrictions, if any, in outline form.

1 days after being submitted by the subdivider, the City Recorder shall
2 furnish one copy of the Preliminary Plat and supplemental material to
3 the county surveyor, to the State Board of Health if the property is
4 not to be served by sewers, and to the State Highway Department if
5 the property is adjacent to a state highway. These agencies will be
6 given at least thirty (30) days to review the plan, suggest revisions,
7 and return the plans to the City.

8 Section 13: TENTATIVE APPROVAL OF PRELIMINARY PLAT. Within
9 forty (40) days from the first regular City Council meeting following
10 submission of the proposed plat, the City Council shall review the
11 plan of the plat and the reports of the officials and agencies listed
12 above. The City Council may approve the Preliminary Plat as sub-
13 mitted or as it may be modified. If the City Council does not
14 approve the plat, it shall express its disapproval and its reasons
15 therefor. Approval of the Preliminary Plat shall indicate approval
16 of the Final Plat provided there is no change in the plan of the
17 subdivision and provided the subdivider complies with the requirements
18 of this ordinance. The action of the City Council shall be noted on
19 two copies of the Preliminary Plat, including reference to any
20 attached documents describing conditions imposed by the Council. The
21 City Council shall return one copy to the subdivider and retain the
22 other.

1 six-month period following the tentative approval of the Preliminary
2 Plat by the City Council, he must resubmit his Preliminary Plat to
3 the City Council and make any revisions which the City Council con-
4 siderers necessary to meet changed conditions.

5 Section 15: INFORMATION ON FINAL PLAT. In addition to that
6 otherwise specified by law, the following information shall be shown
7 on the Final Plat:

8 (1) The date, scale, northpoint, legend, and controlling
9 topography such as creeks and highways.

10 (2) Legal description of the tract boundaries.

11 (3) Name and address of the owner, subdivider, and engineer
12 or surveyor.

13 (4) Reference points of existing surveys identified, related to
14 the plat by distances and bearings, and referenced to a field book or
15 map as follows:

16 (a) Stakes, monuments, or other evidence found on the
17 ground and used to determine the boundaries of the subdivision.

18 (b) Adjoining corners of adjoining subdivisions.

19 (c) Other monuments found or established in making the
20 survey of the subdivision or required to be installed by pro-
21 visions of this ordinance.

22 (5) The exact location and width of streets and easements inter-

1 on the street center line, and in addition to the center-line dimen-
2 sions, the radius and central angle shall be indicated.

3 (8) Easements denoted by fine dotted lines, clearly identified
4 and, if already of record, the recorded reference. If an easement is
5 not definitely located of record, a statement of the easement. The
6 width of the easement, its length and bearing, and sufficient ties
7 to locate the easement with respect to the subdivision must be shown.

8 If the easement is being dedicated by the map, it shall be properly
9 referenced in the owner's certificates of dedication.

10 (9) Lot numbers beginning with the number "1" and numbered
11 consecutively in each block.

12 (10) Block letters beginning with the letter "A" and continuing
13 consecutively without omission or duplication throughout the sub-
14 division. The letters shall be solid, of sufficient size and
15 thickness to stand out, and so placed as not to obliterate any
16 figure. Block letters in an addition to a subdivision of the same
17 name shall be a continuation of the lettering in the original sub-
18 division.

19 (11) Land parcels to be dedicated for any purpose, public or
20 private, as distinguished from lots intended for sale.

21 (12) Building setback lines, if any, are to be made a part of
22 the subdivision restrictions.

1 (c) A certificate signed by the engineer or surveyor
2 responsible for the survey and final map. The seal and signa-
3 ture of the engineer or surveyor.

4 (d) All other certifications now or hereafter required
5 by law.

6 Section 16: SUPPLEMENTAL INFORMATION WITH FINAL PLAT. The
7 following shall accompany the final plat:

8 (1) A preliminary title report issued by a title insurance
9 company in the name of the owner of the land, showing all parties
10 whose consent is necessary and their interest in the premises.

11 (2) Sheets and drawings showing the following:

12 (a) Traverse data including the coordinates of the
13 boundary of the subdivision and showing the error of closure,
14 if any.

15 (b) The computation of all distances, angles, and
16 courses shown on the final map.

17 (c) Ties to existing monuments, proposed monuments,
18 adjacent subdivisions and street corners.

19 (3) A copy of any deed restrictions applicable to the sub-
20 division.

21 (4) A certificate by the City Recorder certifying that the
22 subdivider has complied with one of the following alternatives:

1 there has been compliance with provisions of the law and of this
2 ordinance. The City may make such checks in the field as are
3 necessary to verify that the map is correct, and City representa-
4 tives may enter the property for this purpose. Certification of
5 the City Engineer shall be used to determine that the map and
6 survey are technically correct.

7 Section 18: APPROVAL OF THE FINAL PLAT. Upon receipt of the
8 Final Plat, the City Council shall determine whether it conforms
9 with the approved Preliminary Plat and with these regulations. The
10 City Council shall approve the plat if it determines that the plat
11 conforms to all requirements and that the supplementary documents
12 and provisions for required improvements are satisfactory. If the
13 City Council does not approve the plat, it shall advise the sub-
14 divider of the changes or additions that must be made and shall
15 afford him an opportunity to make the necessary changes. Approval
16 shall be indicated by signature of the Mayor. Approval of the
17 Final Plat by the City Council shall not constitute an acceptance
18 by the public of the dedication of any street or other easement of
19 way shown on the plat.

20 Section 19: AGREEMENT FOR IMPROVEMENTS. Before City Council
21 approval is certified on the Final Plat the subdivider shall either
22 install required improvements and repair existing streets and other

1 Section 20: BOND.

2 (1) The subdivider shall file with the agreement, to assure
3 his full and faithful performance thereof, one of the following:

4 (a) A surety bond executed by a surety company

5 authorized to transact business in the state of Oregon, in a
6 form approved by the City Attorney.

7 (b) An agreement, duly signed and executed by the sub-
8 divider, assigning his account in a legal savings institution
9 in the state of Oregon to the City of Elgin.

10 (c) Cash.

11 (2) Such assurance of full and faithful performance shall be
12 for a sum determined by the City as sufficient to cover the cost
13 of the improvements and repairs, including related engineering and
14 incidental expenses, and to cover the cost of City inspection. The
15 performance bond shall guarantee the improvement to be free of
16 defects for one year after written acceptance by the City.

17 (3) If the subdivider fails to carry out provisions of the
18 agreement and the City has unreimbursed costs or expenses resulting
19 from such failure, the City shall call the bond or cash deposit for
20 reimbursement. If the amount of the bond or cash deposit exceeds
21 cost and expense incurred by the City, the City shall release the
22 remainder. If the amount of the bond or cash deposit is less than

1 (1) The creation of a street shall be in conformance with
2 requirements for a subdivision except, however, the City Council
3 shall approve the creation of a street to be established by deed
4 without full compliance with the regulations applicable to sub-
5 divisions provided any of the following conditions exist:

6 (a) The establishment of the street is initiated by the
7 City Council or County Court and is declared essential for the
8 purpose of general traffic circulation and the partitioning of
9 land is an incidental effect rather than the primary objective
10 of the street.

11 (b) The tract in which the street is to be dedicated is
12 an isolated ownership of one acre or less.

13 (c) The street is in a rural area and is related to farm
14 or forest land uses in which no land parcel is less than five
15 (5) acres.

16 (2) In those cases where approval of a street may be given
17 without full compliance with the regulations applicable to a sub-
18 division, a copy of the proposed deed shall be submitted to the
19 City Recorder at least five (5) days prior to the City Council
20 meeting at which consideration is requested. The deed and such
21 information as may be submitted shall be reviewed by the City
22 Council and, if not in conflict with the standards of Sections

1 which the rear portion of an unusually deep lot large enough to
2 warrant partitioning into two parcels may be provided with access,
3 or if it is in a rural area and is related to farm or forest land
4 uses in which no land parcel is less than five acres. A copy of
5 the proposed document to create the easement shall be submitted to
6 the City Recorder at least five (5) days prior to the meeting at
7 which consideration is requested. The document and such information
8 as may be submitted shall be reviewed by the City Council and, if
9 assurance of adequate utility access is indicated, shall be approved.

DESIGN STANDARDS

11
12 Section 24: PRINCIPLES OF ACCEPTABILITY. The subdivision shall
13 conform with any development plans of the City and shall take into
14 consideration any preliminary plans made in anticipation thereof.
15 The subdivision shall conform with the requirements of state laws
16 and with the standards established by this ordinance.

17 Section 25: STREETS.

18 (1) General. The location, width, and grade of streets shall
19 be considered in relation to existing and planned streets, to topo-
20 graphical conditions, to public convenience and safety, and to the
21 proposed use of the land served by the streets. The street system
22 shall assure an adequate traffic circulation system. Intersection

1 (2) Minimum right of way. Unless otherwise indicated on the
2 development plan, the width of streets in feet shall not be less
3 than the following:

4		Minimum	Minimum
5	<u>Type of Street</u>	<u>Right of Way</u>	<u>Roadway</u>
6	Major Street	80 feet	52 feet
7	Secondary Street	60 feet	44 feet
8	Continuous Minor Street	60 feet	44 feet
9	Minor Streets less than 1800		
10	feet in continuous length	50 feet	36 feet
11	Radius for turn-around at end		
11	cul-de-sacs	60 feet	36 feet
12	Alleys	20 feet	20 feet

13 Where existing conditions, particularly the topography or the size
14 and shape of land parcels, make it otherwise impractical to provide
15 buildable lots, the City Council may accept a narrower right of way.
16 If necessary, slope easements may be required.

17 (3) Reserve Strips. Reserve strips or street plugs controlling
18 the access to streets will not be approved unless they are necessary
19 for the protection of the public welfare or of substantial property
20 rights, and in these cases they may be required. The control and
21 disposal of the land composing such strips or street plugs shall be

1 Reserve strips and street plugs may be required to preserve the
2 objectives of street extensions.

3 (6) Intersection angles. Streets shall be laid out to inter-
4 sect at an angle as near to a right angle as practical. Right-of-
5 way lines at street intersections shall have a minimum corner
6 radius of 15 feet.

7 (7) Existing Streets. Whenever existing streets adjacent to
8 or within a tract are of inadequate width, additional right of way
9 shall be provided at the time of subdivision.

10 (8) Half Streets. Half streets, while generally not accept-
11 able, may be approved where essential to the reasonable development
12 of the subdivision, when in conformity with the other requirements
13 of these regulations, and when the City Council finds it will be
14 practical to require the dedication of the other half when the
15 adjoining property is subdivided. Whenever a half street is adjacent
16 to a tract to be subdivided, the other half of the street shall be
17 platted within such tract. Reserve strips and street plugs may be
18 required to preserve the objectives of half streets.

19 (9) Cul-de-Sacs. A cul-de-sac shall be as short as practicable
20 by may have a maximum length of 1200 feet. All cul-de-sacs shall
21 terminate in a turn-around. If a cul-de-sac exceeds 400 feet in
22 length, provision must be made to allow emergency vehicles to reach

1 and shall recognize the limitations of the topography.

2 (2) Size. No block may be more than 1200 feet in length
3 between street corner lines unless it is adjacent to an arterial
4 street or unless the topography or the location of adjoining streets
5 justifies an exception.

6 (3) Easements.

7 (a) Utility lines. Easements for sewers, water mains,
8 electric lines, or other public utilities shall be dedicated
9 wherever necessary. The easements shall be at least twelve (12)
10 feet wide and centered on rear or side lot lines.

11 (b) Water courses. If a subdivision is traversed by a
12 water course such as a drainage way, channel, or stream, there
13 shall be provided a storm water easement or drainage right of
14 way conforming substantially with the lines of the water course,
15 and such further width as will be adequate for the purpose.
16 Streets or parkways parallel to major water courses may be
17 required.

18 (c) Pedestrian Ways. When desirable for public con-
19 venience, pedestrian ways may be required to connect cul-de-
20 sacs or to pass through unusually long or oddly shaped blocks.
21 It shall be the responsibility of the developer to install
22 five-foot minimum sidewalks where pedestrian ways are

1 area, minimum lot standards shall conform to the City Zoning Ordinance standards for the zone appropriate for the use contemplated in the subdivision.

4 (2) Access. Each lot shall abut upon a street other than an alley for a width of at least 20 feet.

6 (3) Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

9 Section 28: BUILDING LINES. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

IMPROVEMENTS

12
13 Section 29: IMPROVEMENT PROCEDURES. In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this ordinance and improvement standards and specifications followed by the City. The improvements shall be installed in accordance with the following procedure:

19 (1) Work shall not begin until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the Final Plat.

1 connections shall be long enough to avoid disturbing the street
2 improvements when service connections are made.

3 (5) A map showing all public improvements as built shall be
4 filed with the City upon completion of the improvements.

5 Section 30: IMPROVEMENT REQUIREMENTS. The following improve-
6 ments shall be installed at the expense of the subdivider:

7 (1) Water Supply. Lots within a subdivision shall be served
8 by a public domestic water supply system conforming to City
9 specifications.

10 (2) Sewage. Lots within a subdivision shall be served by a
11 public sewage disposal system conforming to City specifications.

12 (3) Drainage. Such grading shall be performed and drainage
13 facilities installed conforming to City specifications as is neces-
14 sary to provide proper drainage within the subdivision and other
15 affected areas in order to assure healthful, convenient conditions
16 for the residents of the subdivision and for the general public.

17 Drainage facilities in the subdivision shall be connected to
18 drainage ways or storm sewers outside the subdivision. Dikes and
19 pumping stations shall be installed if necessary to protect the
20 subdivision against flooding or other inundation.

21 (4) Streets and Sidewalks. The subdivider shall improve
22 streets in the subdivision and the extension of such streets to the

1 intersection and points of curvature.

2 (7) No lot shall be sold on any given block until all of the
3 above improvements have been installed and approved by the City in
4 the street right of way that the lots front upon. All blocks in
5 which lots are to be offered for sale shall adjoin previously
6 improved street right of ways.

7 (8) All public utilities such as electric power, telephone
8 and television cable services and mains shall be underground, unless
9 otherwise required by the City Council.

10 (9) The subdivider shall install street and pedestrian way
11 lights as required by the City.
12

13 EXCEPTIONS, VARIANCES AND ENFORCEMENT

14 Section 31: EXCEPTIONS IN CASE OF LARGE-SCALE DEVELOPMENT. The

15 City Council may modify the standards and requirements of this ordi-
16 nance if the subdivision plat comprises a complete neighborhood unit,
17 a large-scale shopping center, or a planned industrial area. The
18 City Council shall determine that such modifications are not detri-
19 mental to the public health, safety, and welfare and that adequate
20 provision is made within the development for traffic circulation,
21 open space, and other features that may be required in the public

1 enjoyment of a substantial property right of the petitioner and
2 extraordinary hardship would result from strict compliance with
3 these regulations because of the special circumstances or conditions
4 affecting the property.

5 (3) That the variance complies with the spirit and intent of
6 these regulations and will not be detrimental to the public health,
7 safety, or welfare or injurious to other property in the vicinity.

8 Section 33: CITY COUNCIL ACTION ON VARIANCES. In granting a
9 variance, the City Council shall make a written record of its find-
10 ings and shall specifically describe the variance and any conditions
11 which the Council may designate. The City shall keep the findings
12 on file as a matter of public record.

13 Section 34: VALIDITY. If any provision of this ordinance
14 shall for any reason be judged invalid or unconstitutional, the
15 judgment shall not affect the validity of the rest of this ordinance.

16 Section 35: PENALTIES FOR VIOLATION. In addition to penalties
17 provided by state law, any person who violates or fails to comply
18 with any provisions of this ordinance shall, upon conviction thereof,
19 be punished by a fine of not more than \$300.00 or by imprisonment
20 for not more than thirty (30) days, or both for each day during
21 which the violation continues.

22 PASSED and ADOPTED this 10 day of September, 1974,

ORDINANCE NUMBER 12

SERIES 1974

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2, SERIES 1964, TO AMEND

SECTION 7 OF SAID ORDINANCE.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: Ordinance Number 2, Series 1964, entitled "An Ordinance Regulating and Licensing of Trailer Parks; Prohibiting the Parking of Mobile Homes and Vacation Trailers Outside of Trailer Parks, Except Under Certain Conditions and With Certain Exceptions; Providing For the Storing of Unoccupied Mobile Homes and Vacation Trailers; Providing Temporary Parking for Occupied Visitor Trailers; and, Providing For the Violation of This Ordinance and Declaring an Emergency," shall be, and the same is hereby, amended so that Section 7 shall read as follows:

Section 7: PARKING OF OCCUPIED MOBILE HOMES OUTSIDE OF TRAILER PARKS.

(A) Mobile homes may only be placed outside of trailer home parks or mobile home parks if the following conditions are met:

(1) The lot upon which the mobile home is situated shall be of a size not less than 100 feet by 50 feet and the following property lines shall be observed:

(a) Front Yard. There shall be a front yard

(3) Skirting shall be placed around the mobile home within ninety (90) days after its installation; except, however, the City Council may, on application, extend the time period within which to install said skirting when adverse weather conditions exist.

(4) Within five (5) days after the installation of the mobile home, the mobile home shall have its own separate connection to electrical power and city water and sewer service; except, however, an additional period of time shall be granted within which to make such connections so long as an application with the utility company or City has been made within said five (5) day period.

(5) A permit to install said mobile home has been obtained from the City Recorder. The fee for this permit shall be \$50.00.

Section 2: Except as herein particularly amended and changed, Ordinance Number 2, Series 1964, shall remain in full force and effect. PASSED and ADOPTED this 10 day of September, 1974, by None (5) Councilpersons voting therefor.

APPROVED this 10 day of September, 1974.

ATTEST:

Edward H. Steier
Mayor

12

SECTION 7 OF SAID ORDINANCE.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: Ordinance Number 2, Series 1964, entitled "An Ordinance Regulating and Licensing of Trailer Parks; Prohibiting the Parking of Mobile Homes and Vacation Trailers Outside of Trailer Parks, Except Under Certain Conditions and With Certain Exceptions; Providing For the Storing of Unoccupied Mobile Homes and Vacation Trailers; Providing Temporary Parking for Occupied Visitor Trailers; and, Providing For the Violation of This Ordinance and Declaring an Emergency," shall be, and the same is hereby, amended so that Section 7 shall read as follows:

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(1) The lot upon which the mobile home is situated shall be of a size not less than 100 feet by 50 feet and the following property lines shall be observed:

(a) Front yard. There shall be a front yard

(3) Skirting shall be placed around the mobile home within ninety (90) days after its installation; except, however, the City Council may, on application, extend the time period within which to install said skirting when adverse weather conditions exist.

(4) Within five (5) days after the installation of the mobile home, the mobile home shall have its own separate connection to electrical power and city water and sewer service; except, however, an additional period of time shall be granted within which to make such connections so long as an application with the utility company or City has been made within said five (5) day period.

(5) A permit to install said mobile home has been obtained from the City Recorder. The fee for this permit shall be \$50.00.

Section 2: Except as herein particularly amended and changed, Ordinance Number 2, Series 1964, shall remain in full force and effect.

PASSED and ADOPTED this 10 day of September, 1974, by Five (5) Councilpersons voting therefor.

APPROVED this 10 day of September, 1974.

ATTEST:

William H. Stein
Mayor

Arnold H. Donahoe

SERIES 1974

AN ORDINANCE VACATING THAT PORTION OF BIRCH STREET WEST OF SOUTH 17TH STREET, 115.7 FEET, ALSO DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 7, THOMPSON'S ADDITION TO THE CITY OF ELGIN, OREGON, THENCE WEST 115.7 FEET: THENCE SOUTH 60.0 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 8 OF SAID THOMPSON'S ADDITION, THENCE EAST 115.5 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 8 OF SAID THOMPSON'S ADDITION: THENCE NORTH 60.0 FEET TO THE POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Elgin, Oregon, by Resolution No. 6, Series 1974, initiated vacation proceedings for Birch Street west of South 17th Street, 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon, according to the recorded plat thereof, and

WHEREAS, a notice of hearing in connection with said vacation proceedings was given which provided that all objections, remonstrances or claims for damages as a result of said proposed vacation were to be presented and filed with the City Recorder in writing prior to the hour of 7:30 o'clock P.M. on the 9th day of July, 1974, in the City Hall at Elgin, Oregon; said notice was given by posting and publishing the same as required by statute and as

1 WHEREAS, such vacation will not substantially affect the
2 market value of property in the vicinity thereof, and

3 WHEREAS, in the opinion of the City Council of the City of
4 Elgin, no one will be adversely affected by the vacation of the
5 street above described, NOW THEREFORE,

6 THE CITY OF ELGIN DOES ORDAIN as follows:

7 1. That notice of the time and place of hearing of the
8 proposed vacation of Birch Street west of South 17th Street,
9 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon,
10 according to the recorded plat thereof, has been given in accordance
11 with ORS 271.110 and Resolution No. 6, Series 1974.

12 2. That the owners of the majority of the area affected
13 thereby have not objected to said vacation as hereinabove described.

14 3. That the proposed street vacation will not substantially
15 affect the market value of the property in the vicinity thereof.

16 4. That no one will be adversely affected by the vacation
17 of Birch Street west of South 17th Street, 115.7 feet in Elgin,
18 Oregon, also described as: Beginning at the southeast corner of
19 Lot 4, Block 7, THOMPSON'S ADDITION to the City of Elgin, Oregon,
20 thence west 115.7 feet; thence south 60.0 feet to the northwest
21 corner of Lot 2, Block 8 of said THOMPSON'S ADDITION, thence east
22 115.5 feet to the northeast corner of Lot 1, Block 8 of said
23 THOMPSON'S ADDITION; thence north 60.0 feet to the point of begin-

24 ning according to the recorded plat thereof, and that said street

1 5. In as much as the preservation of the public health,
2 safety and welfare of the citizens of the City of Elgin, Oregon,
3 demand immediate adoption of this ordinance, an emergency is
4 hereby declared to exist and this ordinance shall take effect
5 immediately upon its passage and approval.

6 PASSED and ADOPTED this 9th day of July, 1974, by 7
7 council members voting therefor.

8 APPROVED this 9th day of July, 1974.

9
10 BY: William A. Steiner
11 Mayor

11 ATTEST:

12
13 Ron Scoubes
14 City Recorder

15 The undersigned RON SCoubES certifies that he is the duly
16 appointed and active City Recorder of the City of Elgin, Oregon,
17 and that the foregoing document consisting of three (3) pages is
18 a true and correct copy of the Ordinance on file in the office
19 of the City of Elgin, Oregon and that the same is in full force
20 and effect.
21
22
23
24

18 Ron Scoubes
19 RON SCoubES
20 CITY RECORDER

AFFIDAVIT OF POSTING

I, RON SCOBES, being first duly sworn, depose and say:

I am the qualified and acting City Recorder of the City of Elgin, Union County, Oregon; I am a citizen of the United States; over the age of twentyone (21) years and a resident of the City of Elgin, Union County, Oregon.

On the 18 day of June, 1974, I posted the hereto attached Notice of Street Vacation in public view in the following places, to wit: On the utility pole at Birch Street and Seventeenth Street; and on the utility pole 250 feet west of South Nineteenth Street and Birch Street.

Ron Scobes
Subscribed and sworn to before me this 18 day of June, 1974.

Ron Scobes
Notary Public for Oregon

My Commission Expires:

MY COMMISSION EXPIRES MARCH 31, 1977

AFFIDAVIT OF PUBLICATION

STATE OF OREGON)
COUNTY OF UNION) ss.

I, Chad Smith, being first duly sworn,
depose and say that I am the editor
of the Elgin Recorder, a newspaper of general circulation, as
defined by Section 58, Oregon Laws, as amended by Chapter 135
of the General Laws of Oregon, 1927, printed and published at
La Grande, Oregon, in the aforesaid county and state; that the
Notice of Street Vacation, a printed copy of which is attached
hereto, marked Exhibit "A" and by reference made a part hereof,
was published in the entire issue of said newspaper for four
(4) successive and consecutive weeks in the following issues:

1. Issue of June 13, 1974.
2. Issue of June 20, 1974.
3. Issue of June 27, 1974.
4. Issue of July 4, 1974.

Subscribed and sworn to before me July 9, 1974.

Notice of Exhibit A

Street Vacation

NOTICE IS HEREBY GIVEN
that the City Council of the City
of Elgin, Oregon, will, on the
9th day of July, 1974, at the
hour of 7:30 p.m. in the City
Hall at Elgin, Oregon, hold a
hearing in connection with its
resolution and vacation
proceedings initiated by the City
Council, on the 11th day of
June, 1974, whereby it was
proposed to vacate that portion
of Birch Street west of South
Seventeenth Street, 115.7 feet
in Elgin, Oregon, according to
the recorded plat thereof.

Notary Public for Oregon
My Commission Expires:
4/2/78

CERTIFICATE OF SHERIFF REGARDING TAXES

STATE OF OREGON)
COUNTY OF UNION) ss.

I, WILLIAM F. MOORE, do hereby certify:

That I am the duly elected, qualified and acting Sheriff
for the County of Union, Oregon.

That all state and county taxes on the property affected
by the vacation of Birch Street West of South Seventeenth Street,
115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon,
have been paid.

DATED this 9th day of July, 1974.

WILLIAM F. MOORE, SHERIFF
William F. Moore
Union County Sheriff

by Magdalena M. Baez
deputy

Subscribed and sworn before me this 9th day of July, 1974

Shirley L. Bolin, County Clerk

By Margaret A. Baez Deputy

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ORDINANCE NUMBER 9

SERIES 1974

AN ORDINANCE ADOPTING THE STATE BUILDING CODE ADOPTED BY THE DIRECTOR OF THE STATE DEPARTMENT OF COMMERCE AND THE FIRE AND LIFE SAFETY CODE ADOPTED BY THE STATE FIRE MARSHALL; PROVIDING FOR A BOARD OF APPEALS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH: AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: STANDARDS APPLICABLE TO BUILDING. In addition to compliance with this and other ordinances of the City, building and related activities shall comply with provisions of each of the specialty codes making up the State Building Code adopted by the Director of the State Department of Commerce and the Fire and Life Safety Code adopted by the State Fire Marshall as these codes are constituted on July 1, 1974, and thereafter. No person shall construct building or related activities without compliance with these standards.

Section 2: CITY CODE ADMINISTRATION. The City shall provide for the administration of a plan checking, building permit, inspection program for the structural work, but not for Mechanical, plumbing and electrical work. This city program is applicable to public

1 Section 5: LOCAL INTERPRETATION. In addition to the provisions
2 of Section 106 of the Structural Specialty Code and similar pro-
3 visions of other specialty codes, the Building Official may approve
4 a material or a method of construction not specifically prescribed
5 by this ordinance provided he finds that the proposed design is
6 satisfactory and that the material, method or work offered is for
7 the purpose intended at least the equivalent of that specifically
8 prescribed by this ordinance in quality, effectiveness, fire resis-
9 tance, durability, safety, and energy conservation, and that the
10 Director of the Department of Commerce has not issued a report
11 disapproving the material or method for the purpose. The Building
12 Official may refer the proposed design to the City Board of Appeals
13 as provided in Section 204 (a) of the Structural Specialty Code and
14 a person affected by a ruling of the Building Official may appeal
15 such ruling to the Board of appeals within thirty (30) days of the
16 date of the ruling. The provisions of this section shall not be
17 interpreted to preclude a person from requesting a ruling from the
18 Director of the Department of Commerce prior to submitting an applica-
19 tion to the City for a permit or after withdrawing a previously
20 submitted application.

21 Section 6: UNSAFE BUILDINGS. The law referred to in Section
22 203 of the Structural Specialty Code and the Uniform Code for Abate-

1 and related activities administered through this City, there is
2 created a Board of Appeals consisting of five (5) voting members
3 who are qualified by experience and training to pass upon matters
4 pertaining to building and related activities. The Building Official
5 shall be an ex officio non-voting member, and he shall act as
6 Secretary of the Board. The Board of Appeals shall be appointed
7 by the City Council and hold office at its pleasure. The Board
8 shall adopt reasonable rules and regulations for conducting its
9 investigations and shall render all decisions and findings in
10 writing to the Building Official with a duplicate copy to the
11 appellant. The Administrator of the State Building Code's Division
12 shall be furnished copies of decisions interpreting state building
13 requirements.

14 Section 8: VIOLATIONS AND PENALTIES. It shall be unlawful for
15 any person, firm, or corporation to erect, construct, enlarge, alter,
16 repair, move, improve, remove, convert or demolish, equip, use,
17 occupy, or maintain any building or structure in the City, or cause
18 the same to be done, contrary to or in violation of any of the
19 provisions of this ordinance.

20 (1) Any person, firm, or corporation violating any of the pro-
21 visions of this ordinance shall be deemed guilty of a separate
22 offense for each and every day or portion thereof during which any

1 its enactment, an emergency is hereby declared to exist and this
2 ordinance shall be in full force and effect from and after its
3 passage and approval.

4 PASSED and ADOPTED this 25th day of June, 1974, by
5 (4) Councilpersons voting therefor.

APPROVED this 25th day of June, 1974.

ATTEST:

8 *[Signature]*
9 City Recorder

[Signature]
Mayor

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ORDINANCE NUMBER 21

SERIES 1974

AN ORDINANCE ESTABLISHING SEWER SERVICE CHARGES; REPEALLING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: SEWER SERVICE CHARGES.

(1) After the 1st day of July, 1974, a sewer service charge of Three Dollars (\$3.00) per month shall be imposed upon persons owning or occupying property receiving sanitary sewer service from the City.

(2) When two or more family units receive sanitary sewer service through the same connection, not less than Three Dollars (\$3.00) per month shall be charged for each family unit. A family unit, as used herein, means a unit, whether or not occupied, used for residential purposes and houses, or is capable of housing, a household of one or more persons. It shall include, but not be limited to, each space for a mobile home, each unit in a duplex or each unit in an apartment house.

(3) Motels shall pay Three Dollars (\$3.00) per month, and shall further pay an additional charge of One and 50/100 Dollars (\$1.50) per month for each motel unit.

1 200% of the rates, charges or impositions in effect for property
2 served within the limits of the City.

3 Section 2: BILLING.

4 (1) Charges hereunder shall be known as sewer service charges
5 for which statements shall be rendered regularly by the City and shall
6 become delinquent thirty (30) days from the billing date. All state-
7 ments shall show the billing date. When the charges against an
8 account become delinquent, water service may be shut off for the
9 property concerned, and not turned on again until all arrears and
10 reconnection charges have been paid in full.

11 Section 3: REPEAL.

12 (1) All ordinances and parts of ordinances in conflict herewith
13 are hereby repealed.

14 Section 4: EMERGENCY CLAUSE.

15 (1) Inasmuch as it is essential to the preservation of the
16 public health, welfare, peace and safety of the City of Elgin that
17 this ordinance be effective immediately upon its enactment, an
18 emergency is hereby declared to exist and this ordinance shall be in
19 full force and effect from and after its passage and approval.

20 PASSED and ADOPTED this 25th day of June, 1974, by
21 () Councilpersons voting therefor.

22 APPROVED this 25th day of June, 1974.

ORDINANCE NUMBER 7

SERIES 1974

AN ORDINANCE REGULATING THE WATER SYSTEM AND PROVIDING FOR VARIOUS CHARGES IN CONNECTION THEREWITH AND REPEALING ALL ORDINANCES OR PARTS

OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: APPLICATIONS FOR WATER.

(1) Applications for the use of city water must be made on printed forms to be furnished by the City. If the applicant is not the owner of the property, then notice that application for water use has been made by applicant and that a lien shall attach to the property for non-payment of water shall be mailed to the owner by the City to the address of owner furnished by applicant within three (3) business days after application has been made. In all cases, the applicant may be held responsible for the payment of all charges and rentals for the use of the same.

Section 2: COMPLIANCE WITH STATE PLUMBING CODE.

(1) No connection shall be made, nor shall water service be maintained, to any property in which the plumbing does not comply with the provisions of the State Plumbing Code.

Section 3: SEPARATE SOURCE OF WATER SUPPLY.

(1) No connection shall be made, nor shall water service be

1 shall be considered connected to the city water system unless there be
2 a complete break in the piping between such separate water source and
3 the city water system.

4 Section 4: INSTALLATION OF SERVICE AND METER.

5 (1) The person applying for water service shall furnish the City
6 with a correct location and grade in connection with the installation
7 of such service and meter prior to installation thereof.

8 (2) In event meter or service shall be changed for the convenience
9 of the property owner after initial installation, the cost of such
10 change shall be borne by the property owner.

11 Section 5: USE BY OTHER PERSONS.

12 (1) No person in control of the property supplied with water
13 from city mains as herein provided shall permit another person or
14 persons to use such water, except such as is to be consumed on the
15 premises from which it is procured.

16 Section 6: ARRANGEMENT OF SERVICE PIPES.

17 (1) Hereafter all service pipes must be so arranged that the
18 supply to each separate house or premises may be controlled by a
19 separate stop-cock placed within and near the line of the street curb,
20 or other approved location, and one person must pay for all water used
21 through said service pipe.

22 (2) For a building with a basement, a stop and waste cock of

1 from may be properly drained.

2 (3) All pipes from the meter or shut-off to the premises must be
3 installed in accordance with good engineering practices, and main-
4 tained in good order by the user. The user will be held responsible
5 for any losses or damages occurring from the meter or shut-off to and
6 including the premises, resulting from leaks, freezing or otherwise.

7 Section 7: SEPARATE WATER SERVICE.

8 (1) Where property is under single ownership and water is
9 supplied through one service pipe to more than one building, family or
10 person, the City may either decline to furnish water until separate
11 service is provided, or may continue the supply on the condition that
12 one person shall pay for all on the same service pipe.

13 Section 8: WATER SHUTOFF.

14 (1) The water may at any time be shut off from the mains,
15 without notice, for any necessary purpose, and the City will not be
16 responsible or liable for any consequent damages.

17 (2) In all cases where practicable, the City will give the
18 consumers at least twelve (12) hours' notice before the water is shut
19 off from the main.

20 (3) When a fire alarm is turned in, all persons shall immedi-
21 ately discontinue using water for sprinkling.

22 Section 9: DEFECTIVE FIXTURES.

1 Section 11: INSTALLATION OF TAPS AND METERS.

2 (1) The following schedule of charges, to be paid in advance,
3 shall be made for the installation of taps and meters:

4 (a) For a 3/4" tap, the charge to be made shall be \$250.00.

5 (b) For a 1" tap, the charge to be made shall be \$325.00.

6 (c) In the event installation of water services larger
7 than 1" are required, the persons requesting such installation

8 shall pay to the City the estimated cost of installation, plus an
9 additional sum equal to ten percent (10%) of the estimated cost
10 of the installation to defray overhead and administrative costs.

11 After the installation of water services larger than 1", such
12 persons shall, in addition, pay to the City the difference be-
13 tween the amount already paid to the City for such installation
14 and the actual cost thereof, including ten percent (10%) for
15 overhead and administrative costs. If the actual cost, including
16 10% for overhead and administrative costs, are less than the
17 amount paid to the City by such person, the City shall refund to
18 such person the amount of the excess.

19 (2) A water tap shall consist of the tapping process at the
20 water main and the installation of service pipe and other necessary
21 apparatus to the property line nearest to the water main, but in no

1 (1) Only the City, or persons with written authorization and
2 permission from the City, shall be allowed to make connections with
3 the city mains or to make alterations in conduit, pipe, or other
4 fixtures connected therewith, or to connect pipes when they have been
5 disconnected.

6 (2) Only the City or licensed plumbers may turn water on or off
7 at the meter shut-off on any premises to test their work. Licensed
8 plumbers so turning on or off the water shall see that the meter shut-
9 off is in the same condition as when first found.

10 Section 13: ACCESS TO PROPERTY.

11 (1) Except as provided in subsection (2) of this section below,
12 City employees shall have access at all reasonable times and hours to
13 all parts of a building or premises in which water is being delivered
14 from the water main for the purpose of inspecting the condition of the
15 pipes and fixtures and the manner in which the water is used.

16 (2) City employees shall only have access to the interior of
17 occupied dwellings or other living quarters if permission is granted
18 the City employee by the person in charge of the property or if an
19 emergency situation exists necessitating the immediate entry of the
20 City employee.

21 Section 14: IMPROPERLY OPERATING METERS.

22 (1) When a meter or indicator gets out of order or fails to

1 repair the meter and the cost of such repair shall be charged against
2 the property.

3 Section 16: ACCESS TO CITY WATER FIXTURES.

4 (1) No person or persons shall place upon or cover up any
5 hydrant, watergate, stop-cock or meter box with any building material
6 or other substance so as to prevent free access to the same at all
7 times.

8 Section 17: ELECTRIC GROUND WIRES.

9 (1) Electric ground wires attached to water pipes shall be
10 connected at one place only in each building and in such a manner as
11 to be easily accessible and disconnected.

12 (2) No water pipes shall be thawed by any procedure involving
13 any use of electric current, unless such ground wires are first
14 detached.

15 Section 18: LIABILITY FOR WATER.

16 (1) All lots, together with improvements thereon, to which water
17 is supplied by the City, are hereby made liable to the City for the
18 rent of the water so supplied, and the rent for the water shall be a
19 lien on said property, which may be enforced and foreclosed as pro-
20 vided for by enforcement and foreclosure of other liens on real
21 property by the ordinances of the City.

22 Section 19: WATER SERVICE RATES.

1 through the same meter, not less than the minimum rate set forth
2 above shall be charged for each family unit. A family unit, as
3 used herein, means a unit, whether or not occupied, used for
4 residential purposes and houses, or capable of housing, a household
5 of one or more persons. It shall include, but not be limited to,
6 each space for a mobile home, each unit in a duplex or each unit
7 in an apartment house.

8 (3) Motels shall pay not less than the minimum rate set forth
9 above, and motels shall further pay an additional charge of one-half
10 (1/2) the minimum rate set forth above for each motel unit.

11 (a) A motel, as used herein, means a building or group
12 of buildings containing guest rooms or dwelling units designed,
13 intended, or used primarily for accommodation of transient
14 automobile travelers; including, but not limited to, buildings
15 or group of buildings designed as auto cabins, motor courts or
16 motor hotels.

17 (4) Unless the City Council otherwise provides by resolution,
18 where the property served, or to be served, is located outside the
19 limits of the City, the water rates, penalties and other financial
20 charges or impositions under this ordinance shall be 200% of the
21 rates, charges or impositions in effect for property served within
22 the limits of the City.

1 City, filed with or mailed to the City Recorder. All information
2 required to be given on such form shall be supplied by the applicant
3 and shall be verified by him.

4 (a) Reduced water service charges shall be granted
5 qualifying applicants therefor who file their applications
6 prior to July 25, 1974, for the fiscal year beginning July 1,
7 1974, and extending through June 30, 1975. Thereafter, applica-
8 tions made prior to the first of any month and approved shall
9 be granted for the following billing month and through the
10 balance of the fiscal year. All qualifying senior citizens
11 must submit new applications annually during the months of May
12 and June in order for eligibility to be continued to the next
13 fiscal year from July 1, through the following June 30. A
14 change of address of a qualifying senior citizen terminates
15 the special rate provided herein, but a new application by the
16 qualifying senior citizen at his new address may be made and
17 when approved the reduced rates shall be allowed.

18 Section 20: METER READING AND BILLING.

19 (1) Meters will be regularly read, weather permitting, and
20 customers shall be billed for the quantity of water consumed between
21 readings. Statements for water charges shall be rendered regularly

22 and shall become delinquent thirty (30) days from the billing date.

1 water back on, the service will be shut off, secured and a penalty of
2 \$25.00 charged against the property.

3 (3) Whenever the water has been turned off because of delin-
4 quency in payment of the water bill or violation of any other provision
5 of this ordinance, the person desiring the water to be turned back on
6 shall pay the service fee for turning on the water, all penalties
7 assessed against the property and all arrears such person may owe for
8 water rent, whether furnished at the place for which it is applied
9 for, or elsewhere.

10 (4) An after-hours service fee of \$10.00 shall be charged for
11 turning on of water service between the hours of 4:30 p.m. and 8:30
12 a.m., or on Saturdays, Sundays or holidays. At all other times, the
13 service fee for turning on of water service shall be \$5.00.

14 Section 22: DISTURBANCE OF CITY PROPERTY.

15 (1) No person or persons, other than city employees or persons
16 with written permission from the City, shall disturb any of the pro-
17 perty, tools, machinery, or other appliance belonging or appertaining
18 to the City department, or use or remove any City fire hydrant, or
19 turn water through the same. No private booster pump shall be installed
20 in any city main or any portion of city line connected therewith up to
21 the meter.

22 Section 23: EXTENSION OF WATER MAINS NOT WITHIN A SPECIAL

1 probable use and requirements of such water main, including its use
2 by property beyond and in addition to property owned or possessed by
3 the persons requesting such estimate. The determination by the City
4 Council of the appropriate size of water main so to be installed or
5 extended shall be made by the City Council after it has received from
6 the City Engineer an estimate of the whole cost of such installation
7 or extension, including, but not limited to, the cost of labor,
8 materials, equipment rental, right of way, legal, supervisory and
9 administrative costs.

10 (3) If the City Council shall provide by resolution to proceed
11 with such installation or extension, either by having city employees
12 do the work or letting the work on contract, then:

13 (a) Those persons requesting an installation or extension
14 of water main within the City of Elgin shall first pay to the
15 City the sum of \$6.70 per lineal foot for installation or ex-
16 tension of the water main.

17 (b) Those persons requesting an installation or extension
18 of water main outside the limits of the City of Elgin shall first
19 pay to the City the sum of \$6.70 per lineal foot for installation
20 or extension of water main. After the installation or extension
21 of water main is completed, such person shall in addition, pay to
22 the City the difference between \$6.70 per lineal foot for such

1 person requesting such an installation or extension may, with the
2 approval of the City Council, proceed in the manner as provided in
3 subparagraph (b) of paragraph (3) of Section 23 for extensions or
4 installations of water main outside the limits of the City.

5 (5) Nothing in this ordinance shall be construed as requiring
6 the City to proceed with such installation or extension of water main,
7 either at all or at any time.

8 (6) Any person making connection with such water main so in-
9 stalled or extended, shall be subject to pay service charges for
10 installation of taps and meters as called for in this ordinance or by
11 Resolution.

12 (7) No person who shall have paid any money to the City under
13 the provisions of this section shall be entitled to any contribution
14 or refund from the City or any other person who may thereafter receive
15 water from such water main or any extension thereof.

16 Section 24: SPECIAL ASSESSMENT DISTRICTS FOR EXTENSION OF WATER
17 MAIN.

18 (1) Unless otherwise provided by an amendment to this ordinance
19 and except as may be specifically otherwise provided in particular
20 instances by reason of unusual conditions existing in particular
21 special assessment districts, the cost of installation or extension of
22 water mains in special assessment districts shall be apportioned among

1 shall be as follows:

2 (a) for installation or extension of water main in special
3 assessment districts situated within the City of Elgin, the
4 rate per square foot shall be \$0.04.

5 (b) For installation or extension of water main in special
6 assessment districts situated outside the limits of the City of
7 Elgin, the rate per square foot shall be \$0.04 or the actual
8 cost of the installation or extension of water main, whichever
9 is greater. The actual cost of the installation or extension
10 of water main shall include, but not be limited to, the cost
11 of labor, material, equipment, right of way, legal, supervisory
12 and administrative costs.

13 Section 25: CONNECTION FEE FOR PREVIOUSLY UNASSESSED PROPERTY.

14 (1) Any person, firm, corporation or property desiring to
15 receive water from any water main or extension thereof which have
16 not been previously been included in a water main improvement
17 district or have not paid for the extension of water main under
18 Section 23, as provided for hereinabove, shall pay the sum of \$6.70
19 per lineal foot before receiving water.

20 Section 26: PENALTY.

21 (1) Any person or persons violating this ordinance in any
22 particular shall, upon conviction thereof, be punished by a fine of

1 this ordinance be effective immediately upon its enactment, an
2 emergency is hereby declared to exist and this ordinance shall be
3 in full force and effect from and after its passage and approval.

4 PASSED and ADOPTED this 05 day of June, 1974, by
5 John R. (J) Councilpersons voting therefor.

6 APPROVED this 05 day of June, 1974.

7 William F. Stirling
8 Mayor

9 ATTEST,

10 John R. (J)
11 City Recorder

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ORDINANCE NO. 5

SERIES 1974

AN ORDINANCE PROVIDING FOR THE CALLING OF A CITY TAX BASE ELECTION IN THE CITY OF ELGIN, OREGON, ON MAY 28, 1974, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ELGIN, OREGON, THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI, OREGON CONSTITUTION.

WHEREAS, the City Council of the City of Elgin, Oregon, has determined that a new tax base should be established as authorized by subsection (2), Section 11, Article XI, Oregon Constitution, in order to permit the proper operation of the city affairs within the limitation contained in Section 11, Article XI, Oregon Constitution, and

WHEREAS, it is necessary to submit the question of establishing a new tax base to the legal voters of the City of Elgin, Oregon,

NOW THEREFORE,

THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. Date of Election. The proposition set forth in

Section 2 of this ordinance shall be submitted in the manner prescribed in this ordinance to the legal voters of the City of Elgin, Oregon, at a city tax base election to be held on May 28, 1974.

1 Section 4. Election Boards. The city tax base election shall
2 be conducted by the same election boards that handle the regular
3 statewide primary election in the election precincts in which the
4 City of Elgin is located, at the regular statewide primary
5 election to be held on May 28, 1974. Such election boards hereby
6 are designated as the election boards for the city tax base election
7 and shall hold their respective offices as designated for the regular
8 statewide primary election.

9 Section 5. Voting Hours. The polls for the city tax base
10 election shall be opened in each of the voting precincts at the same
11 hour, and shall be kept open until the same hour, as the polls are
12 opened and closed for the regular statewide primary election that
13 will be held on the same day.

14 Section 6. Notice of Election. Notice of the city tax base
15 election shall be given by publication twice in The Elgin Recorder,
16 a newspaper of general circulation in the City of Elgin, Oregon, not
17 more than 30 nor less than 10 days before the election. Notices of
18 the city tax base election shall be posted for not less than 20 days

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2 VOTE YES OR NO. MARK X OR ✓ IN THE SQUARE FOR
3 THE ANSWER VOTED FOR.

4
5 Referred to the people by the City Council of
6 the City of Elgin, Oregon.

7 ESTABLISHING NEW CITY TAX BASE. Shall the
8 City of Elgin, Union County, Oregon YES
9 51 increase its tax base from \$26,172.00
10 to \$49,155.00? NO

11 Section 9. Emergency Clause. Inasmuch as it is essential to the
12 preservation of the public health, welfare, peace and safety of the
13 City of Elgin that this ordinance be effective immediately upon
14 its enactment, an emergency is hereby declared to exist and this
15 ordinance shall be in full force and effect from and after its
16 passage and approval.

17 PASSED and ADOPTED this 7th day of May, 1974, by W. H. H.
18 (4) Council members voting therefor.

19 APPROVED this 7th day of May, 1974.
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W. H. H.

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CONSENT

We, the undersigned, being all Council members of the City of Elgin, Oregon, do hereby waive notice of the time, place and purpose of the meeting of the City Council to be held on the 7th day of May, 1974, at the hour of 7:30 o'clock p.m., and we do hereby consent to said meeting and to the transaction of such business as may come before the same.

DATED this 7th day of May, 1974.

David D. Ireland

Robert J. Young

Robert J. Young

David D. Ireland

Council Members

Willie Eugene Stearns
Mayor

ATTEST:
[Signature]
City Recorder

STUB

To Be Torn Off By Board Member

OFFICIAL BALLOT

FOR

THE CITY OF ELGIN

UNION COUNTY, OREGON, SPECIAL ELECTION

TUESDAY, MAY 28, 1974

Vote YES or NO. Mark X in square for your answer.

REFERRED TO THE PEOPLE BY THE CITY COUNCIL
OF THE CITY OF ELGIN, OREGON

	YES	NO
51 ESTABLISHING NEW CITY TAX BASE. Shall the City of Elgin, Union County, Oregon, increase its tax base from \$26,172.00 to \$49,155.00?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTICE OF ELECTION TO ESTABLISH NEW CITY TAX BASE

On May 28, 1974, in the City of Elgin, Union County, from 8:00 a.m. until 8:00 p.m. a city tax base election will be held at which the following proposition will be submitted to the legal voters of the City of Elgin for their approval or rejection:

51	ESTABLISHING NEW CITY TAX BASE. Shall the City of Elgin, Union County, Oregon, increase its tax base from \$26,172.00 to \$49,155.00?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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This proposition, if adopted, will establish a new tax base for the City of Elgin, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$26,172.00, the new tax base if adopted will be \$49,155.00, and the new tax base if adopted shall first apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Elgin will have uniform boundaries and the same election boards. The polling places in the city for the city tax base election will be at the same places as provided by Union County for the regular statewide primary election to be held on the same day, May 28, 1974, and to such places as the election boards may legally adjourn.

The City Council by ordinance has appointed the identical officers appointed by the county clerk of Union County, Oregon, for the regular statewide primary election, as the judges and clerks of the city tax base election to serve in each of the polling places in the respective precincts to which they are appointed by the county clerk of Union County.

Witness my hand and seal of the City of Elgin, Oregon, this 7 day of May, 1974.

Don Decker

NOTICE OF ELECTION TO ESTABLISH NEW CITY TAX BASE

On May 28, 1974, in the City of Elgin, Union County, from 8:00 a. m. until 8:00 p. m. a city tax base election will be held at which the following proposition will be submitted to the legal voters of the City of Elgin for their approval or rejection:

31	ESTABLISHING NEW CITY TAX BASE. Shall the City of Elgin, Union County, Oregon, increase its tax base from \$26,172.00 to \$49,155.00?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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This proposition, if adopted, will establish a new tax base for the City of Elgin, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$26,172.00, the new tax base if adopted will be \$49,155.00, and the new tax base if adopted shall first apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Elgin will have uniform boundaries and the same election boards. The polling places in the city for the city tax base election will be at the same places as provided by Union County for the regular statewide primary election to be held on the same day, May 28, 1974, and to such places as the election boards may legally adjourn.

The City Council by ordinance has appointed the identical officers appointed by the county clerk of Union County, Oregon, for the regular statewide primary election, as the judges and clerks of the city tax base election to serve in each of the polling places in the respective precincts to which they are appointed by the county clerk of Union County.

Witness my hand and seal of the City of Elgin, Oregon, this 7 day of May, 1974.

Don Decker

CERTIFICATE OF POSTING

STATE OF OREGON)
COUNTY OF UNION) SS.
CITY OF ELGIN)

I, RON SCUBES, do hereby certify:

That I am the duly appointed, qualified and acting City Recorder of the City of Elgin, Union County, Oregon.

That I did, on the 7 day of May, 1974, post a Notice of Election to Establish New City Tax Base, which gave notice to the legal voters of the City of Elgin of an election to be held on May 28, 1974, at which election there shall be submitted to the legal voters of the City of Elgin, for their approval or rejection, the following proposition:

"Shall the City of Elgin, Union County, Oregon, increase its tax base from \$26,172.00 to \$49,155.00?

That said Notice of Election to Establish New City Tax Base was posted in the following three (3) conspicuous places in the City of Elgin, to-wit:

- (a) On the front door of City Hall;
- (b) On the front door of the Elgin Community Center; and
- (c) On the bulletin board in the Elgin Post Office.

DATED this 7 day of May, 1974.

**ELECTION TO ESTABLISH
NEW CITY TAX BASE**

May 28, 1974, in the City of Elgin, Union County, Oregon, a city tax base election will be held at 8:00 a.m. until 8:00 p.m. The following proposition will be submitted to the legal voters of the City of Elgin for their approval or rejection:

ESTABLISHING NEW CITY TAX BASE. YES ☐ NO ☒
 Shall the City of Elgin, Union County, Oregon, increase its tax base from \$26,172.00 to \$49,155.00?

This proposition, if adopted, will establish a new tax base for the City of Elgin, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$26,172.00, the new tax base if adopted shall first \$49,155.00, and the new tax year next following this apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Elgin will have uniform boundaries and the same election boards. The polling places in the city for the city tax base election will be at the same places as provided by Union County for the regular statewide primary election to be held on the same day, May 28, 1974, and election to be held on the election boards may legally to such places as the election boards has appointed the adjourn. The City Council by ordinance has appointed the identical officers appointed by the county clerk of Union County, Oregon, for the regular statewide primary election, as the judges and clerks of the city tax base election to serve in each of the polling places in the respective precincts to which they are appointed by the county clerk of Union County. Witness my hand and seal of the City of Elgin, Oregon this 7th day of May, 1974.
RON SCOUTS* City Recorder

Publisher's Affidavit

County of Union } ss.
 State of Oregon }

I, Ethel Smith, being first duly sworn, depose and say that I am the editor of the Elgin Recorder, a weekly newspaper of general circulation, made up of four or more pages of five columns each; and said newspaper has more than 200 bona fide subscribers living in Union County, Oregon, and that said newspaper has been published uninterruptedly in Union County, Oregon, at least once a week during a period of more than one year immediately preceding the first publication of the Notice of Election, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for 2 successive and consecutive weeks in the following issues:

Issue of 5-9, 1974 Issue of 5-16, 1974
 Issue of 5-16, 1974 Issue of 5-23, 1974
 Issue of 5-30, 1974 Issue of 6-6, 1974

Signed Ethel Smith
 day of June, 1974

Subscribed and sworn to before me this 7th day of May, 1974
Ron Scouts
 Notary Public for Oregon

My Commission expires 6-11-77

the question of establishing

base to the legal voters of the City of Elgin, Oregon,

NOW THEREFORE,

THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. Date of Election. The proposition set forth in

ORDINANCE NO. 4

SERIES 1974

Amended

WHEREAS, the City of Elgin has adopted and is enforcing Building Code, Ordinance number 9, Series 1964 and Zoning Ordinance number 11, Series 1963, and,

WHEREAS, Section 4, Building Code Ordinance, Series 1964, of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Official, and

WHEREAS, the Building Official must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elgin, Union, County Oregon as follows:

1. That the Building Official shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated or mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of this structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and

2. That the Building Official shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the Building Official shall require new or replacement water

ORDINANCE NO. 3

SERIES 1974

AN ORDINANCE VACATING THE ALLEY (12' 5" WIDE) RUNNING NORTH AND SOUTH THROUGH BLOCK TWO (2) IN NORTH ELGIN ADDITION TO THE CITY OF ELGIN, OREGON, AND EXTENDING IN A SOUTHERLY DIRECTION FROM THE INTERSECTION OF SIAD ALLEY WITH THE SOUTH LINE OF ADELE TERRACE TO THE NORTH LINE OF DETROIT STREET IN SAID CITY AND FOR THE VACATION OF THE ALLEY (12' 5" WIDE) RUNNING NORTH AND SOUTH THROUGH BLOCK THREE (3) IN NORTH ELGIN ADDITION TO THE CITY OF ELGIN, OREGON AND EXTENDING IN A SOUTHERLY DIRECTION FROM THE INTERSECTION OF SAID ALLEY WITH THE SOUTH LINE OF ADELE TERRACE TO THE NORTH LINE OF DETROIT STREET IN SAID CITY:

WHEREAS, the Common Council of the City of Elgin has heretofore caused an examination to be made of those alleys hereinafter described and of the properties and adjacent to and adjoining the same and situated in the immediate vicinity thereof, and has found that vacation of those alleys hereinafter described will not in any way effect the market value of adjoining, adjacent and closely situated properties and that the public interest will not be prejudiced thereby and,

WHEREAS, on the 9th day of April, 1974, the Common Council of the City of Elgin, Oregon, duly passed and adopted a resolution to initiate proceedings to vacate those alleys thereafter described and thereby declared its intention to make such vacation without a petition or consent of the property owners and fixed Tuesday, May 14, 1974, at the hour of 8 o'clock P. M. at the Council Chambers in the City Hall of Elgin, Union County, Oregon, as the time for hearing and all objections and remonstrances to such vacation, and

WHEREAS, notice of such vacation was duly published in the Elgin Recorder

Detroit Street in said City, one at the intersection of the alley immediately hereinabove described and Adele Terrace in said City, due proof of such posting having been filed heretofore with the City Recorder of Elgin, Union County, Oregon, and,

WHEREAS, at the time and place fixed for hearing on said vacations, to-wit: 8 o'clock P. M. on Tuesday, the 14th day of May, 1974, at the Council Chambers in the City Hall of Elgin, Union County, Oregon, said hearing was held and objections to such vacation or remonstrances thereto were made in writing and filed with the City Recorder of Elgin, Union County, Oregon, prior to the time of such hearing and no one appeared at such hearing and made any objection or remonstrance to such vacation,

NOW THEREFORE, THE PEOPLE OF THE CITY OF ELGIN DO ORDAIN AS FOLLOWS:

Section 1. That the alley running North and South through Block 2, in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City and for the vacation of the alley running North and South through Block 3, in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City, be and the same is hereby vacated and that part of the plat showing said alley as hereinabove described shall henceforth be held for nought, and the title to said vacated alley shall be and remain as provided by law.

Section 2. That the City Recorder of Elgin, Union County, Oregon, is hereby

posting as required by the Charter of the City of Elgin.

PASSED this 14th day of May, 1974, by 6 Council members voting therefor.

William L. Stein
Mayor

ATTEST Ron Scoubes
City Recorder

The undersigned Ron Scoubes certifies that he is the duly appointed and acting City Recorder of the City of Elgin, Oregon, and that the foregoing

document consisting of two (2) pages is a true and correct copy of the Ordinance on file in the office of the City of Elgin, Oregon and that the same is in full force and effect.

Ron Scoubes
Ron Scoubes
City Recorder

STATE OF OREGON }
County of Union } ss

I certify that the within instrument

of writing was received for record on

the 19 day of

March 19 75 at 2:45

o'clock P M., and recorded on page

One in book _____ Record of

Deeds of said County.

SHIRLEY T. BOYD

ORDINANCE NO. 3

SERIES 1971

AN ORDINANCE VACATING THE ALLEY (12' 5" WIDE) RUNNING NORTH AND SOUTH THROUGH BLOCK TWO (2) IN NORTH ELGIN ADDITION TO THE CITY OF ELGIN, OREGON, A.D. EXTENDING IN A SOUTHERLY DIRECTION FROM THE INTERSECTION OF SAID ALLEY WITH THE SOUTH LINE OF ADELE TERRACE TO THE NORTH LINE OF DETROIT STREET IN SAID CITY AND FOR THE VACATION OF THE ALLEY (12' 5" WIDE) RUNNING NORTH AND SOUTH THROUGH BLOCK THREE (3) IN NORTH ELGIN ADDITION TO THE CITY OF ELGIN, OREGON AND EXTENDING IN A SOUTHERLY DIRECTION FROM THE INTERSECTION OF SAID ALLEY WITH THE SOUTH LINE OF ADELE TERRACE TO THE NORTH LINE OF DETROIT STREET IN SAID CITY;

WHEREAS, the Common Council of the City of Elgin has heretofore caused an examination to be made of those alleys hereinafter described and of the properties and adjacent to and adjoining the same and situated in the immediate vicinity thereof, and has found that vacation of those alleys hereinafter described will not in any way effect the market value of adjoining, adjacent and closely situated properties and that the public interest will not be prejudiced thereby and,

WHEREAS, on the 9th day of April, 1971, the Common Council of the City of Elgin, Oregon, duly passed and adopted a resolution to initiate proceedings to vacate those alleys thereinafter described and thereby declared its intention to make such vacation without a petition or consent of the property owners and fixed Tuesday, May 11, 1971, at the hour of 8 o'clock P. M., at the Council Chambers in the City Hall of Elgin, Union County, Oregon, as the time for hearing and for all objections and remonstrances to such vacation; and

WHEREAS, notice of such vacation was duly published in the Elgin Recorder

a weekly newspaper of general circulation printed and published in Elgin, Union

Detroit Street in said City, one at the intersection of the alley immediately hereinabove described and Adele Terrace in said City, due proof of such posting having been filed heretofore with the City Recorder of Elgin, Union County, Oregon, and,

WHEREAS, at the time and place fixed for hearing on said vacations, to-wit, 8 o'clock P. M. on Tuesday, the 14th day of May, 1974, at the Council Chambers in the City Hall of Elgin, Union County, Oregon, said hearing was held and objections to such vacation or remonstrances thereto were made in writing and filed with the City Recorder of Elgin, Union County, Oregon, prior to the time of such hearing and no one appeared at such hearing and made any objection or remonstrance to such vacation;

NOW THEREFORE, THE PEOPLE OF THE CITY OF ELGIN DO ORDAIN AS FOLLOWS:

Section 1. That the alley running North and South through Block 2, in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City and for the vacation of the alley running North and South through Block 3, in North Elgin Addition to the City of Elgin, Oregon, and extending in a southerly direction from the intersection of said alley with the South line of Adele Terrace to the North line of Detroit Street in said City, be and the same is hereby vacated and that part of the plat showing said alley as hereinabove described shall henceforth be held for nought, and the title to said vacated alley shall be and remain as provided by law.

Section 2. That the City Recorder of Elgin, Union County, Oregon, is hereby

posting as required by the Charter of the City of Elgin.

Passed this 14th day of May, 1974, by 6 Councilmen voting therefor.

Attested to and filed this
14th day of May, 1974.

Alvin K. Stone
Mayor

For Reelher
City Recorder

1 agreed that the Purchaser may apply the proceeds of said insurance
2 to said repair or replacement, it being understood, however, that
3 said application shall not reduce the amount owing by the Purchaser
4 under this agreement.

5 POSSESSION: The Purchaser shall be entitled to possession of
6 the above property as of the date of this agreement.

7 COLLATERAL:

8 (a) Security interest. To secure payment and the
9 performance of all of the Purchaser's obligations set forth
10 in this agreement, the Purchaser grants to the Sellers a
11 security interest in the property described above.

12 (b) Location. At all times the above-described property
13 shall be kept in Oregon, and, except for normal and customary
14 use for temporary periods, not removed therefrom without
15 Sellers' written consent.

16 (c) Use. The above-described property is used or bought
17 for use primarily for the conduct of City business.

18 (d) Perfecting Security Interest. The Purchaser, who is
19 the debtor herein, agrees to join with the Sellers, who are
20 the secured party herein, in executing, filing and doing what-
21 ever may be necessary under applicable law to perfect and con-
22 tinue the secured parties' interest in said property above

1 hereof, Sellers shall forthwith execute and deliver to Purchasers
2 a release of security interest in the above-described property.

3 ASSIGNMENT: It is understood that Sellers shall be assigning
4 their interest herein to the First State Bank of Elgin, Elgin,
5 Oregon. Purchaser agrees not to assign its rights, title or interest
6 in the above-described property or this agreement without first
7 obtaining Sellers' written consent.

8 RISK OF LOSS: At all times the above-described property is at
9 Purchaser's risk; should said property suffer any loss, damage or
10 injury, Purchaser hereby agrees notwithstanding to purchase and pay
11 for the same in full, according to the terms hereof.

12 DEFAULT: Time is of the essence of this agreement and if
13 Purchaser shall default in performance of any of the terms or condi-
14 tions hereof, or in payment, when due, of any sum herein required
15 to be paid, or if Sellers, with reasonable cause, deem the property
16 in danger of loss, misuse or confiscation, or in the event of any
17 misrepresentation or material falsity of any statement or certificate
18 made or furnished by Purchaser, whether or not in connection with
19 this agreement, or in event of any insolvency or bankruptcy pro-
20 ceedings brought by or against the Purchaser, or if Sellers deem
21 themselves insecure, Sellers shall then have the right, but only
22 after having given notice to Purchaser and the Purchaser having

1 LITIGATION EXPENSE: In the event that it is necessary for an
2 action at law or a suit in equity to be brought to establish, obtain
3 or enforce any right by either of the parties under this agreement,
4 or in event of appeal from judgment or decree therein, then the
5 prevailing party in such action or suit, or on such appeal, shall
6 be entitled to a reasonable attorney's fee allowance as well as the
7 costs and disbursements of the action, suit or appeal.

8 WAIVER: No waiver of a breach of any covenant, term or condi-
9 tion of this agreement shall be a waiver of any other or subsequent
10 breach of the same or any other covenant, term or condition, or a
11 waiver of the covenant, term or condition itself.

12 INTERPRETATION: The covenants, conditions and terms of this
13 agreement shall extend to and be binding upon the assigns of the
14 parties hereto, provided, however, that nothing herein contained in
15 this paragraph shall alter the restrictions hereinabove contained
16 relating to the assignment hereof.

17 IN WITNESS WHEREOF, the parties have caused this agreement
18 to be executed this _____ day of July, 1974.

19 SELLERS:

20 RALPH W. THOMPSON

21
22 DARRELL VAN ARSDALE

SALES AND SECURITY AGREEMENT

2 THIS AGREEMENT made this _____ day of July, 1974, by and between
3 RUDOLPH W. THOMPSON and GARRELL VAN ARSDALE, hereinafter designated as
4 Sellers, and CITY OF ELGIN, OREGON, a municipal corporation, herein-
5 after designated as Purchaser,

WITNESSES

7 IN CONSIDERATION of the covenants herein exchanged between the
8 parties hereto and in total consideration of Three Thousand Dollars
9 (\$3,000.00), to be paid by the Purchaser as hereinafter provided,
10 the Sellers hereby agree to sell unto Purchaser and the Purchaser
11 hereby agrees to purchase a 1962 used International Dump Truck,
12 Serial Number 30F182FB828201H.

13 PAYMENT OF PURCHASE PRICE: The Purchaser shall pay to the
14 Sellers the purchase price of \$3,000.00 on or before the 10th day
15 of July, 1975. In addition, Purchaser shall pay to Sellers interest
16 at the rate of seven percent (7%) per annum on the unpaid balance,
17 the first such interest payment to be paid on the 10th day of
18 January, 1975, and a final interest payment shall be paid when the
19 principal payment of \$3,000.00 is paid.

20 TAXES: All taxes levied against the above-described personal
21 property for the current tax year shall be pro-rated between Sellers
22 and Purchaser as of the date of this agreement. Purchaser agrees

1 agreed that the Purchaser may apply the proceeds of said insurance
2 to said repair or replacement, it being understood, however, that
3 said application shall not reduce the amount owing by the Purchaser
4 under this agreement.

5 POSSESSION: The Purchaser shall be entitled to possession of
6 the above property as of the date of this agreement.

7 COLLATERAL:

8 (a) Security interest. To secure payment and the
9 performance of all of the Purchaser's obligations set forth
10 in this agreement, the Purchaser grants to the Sellers a
11 security interest in the property described above.

12 (b) Location. At all times the above-described property
13 shall be kept in Oregon, and, except for normal and customary
14 use for temporary periods, not removed therefrom without
15 Sellers' written consent.

16 (c) Use. The above-described property is used or bought
17 for use primarily for the conduct of City business.

18 (d) Perfecting Security Interest. The Purchaser, who is
19 the debtor herein, agrees to join with the Sellers, who are
20 the secured party herein, in executing, filing and doing what-
21 ever may be necessary under applicable law to perfect and con-
22 tinue the secured parties' interest in said property above

1 hereof, Sellers shall forthwith execute and deliver to Purchasers
2 a release of security interest in the above-described property.

3 ASSIGNMENT: It is understood that Sellers shall be assigning
4 their interest herein to the First State Bank of Elgin, Elgin,
5 Oregon. Purchaser agrees not to assign its rights, title or interest
6 in the above-described property or this agreement without first
7 obtaining Sellers' written consent.

8 RISK OF LOSS: At all times the above-described property is at
9 Purchaser's risk; should said property suffer any loss, damage or
10 injury, Purchaser hereby agrees notwithstanding to purchase and pay
11 for the same in full, according to the terms hereof.

12 DEFAULT: Time is of the essence of this agreement and if
13 Purchaser shall default in performance of any of the terms or condi-
14 tions hereof, or in payment, when due, of any sum herein required
15 to be paid, or if Sellers, with reasonable cause, deem the property
16 in danger of loss, misuse or confiscation, or in the event of any
17 misrepresentation or material falsity of any statement or certificate
18 made or furnished by Purchaser, whether or not in connection with
19 this agreement, or in event of any insolvency or bankruptcy pro-
20 ceedings brought by or against the Purchaser, or if Sellers deem
21 themselves insecure, Sellers shall then have the right, but only
22 after having given notice to Purchaser and the Purchaser having

1 LITIGATION EXPENSE: In the event that it is necessary for an
2 action at law or a suit in equity to be brought to establish, obtain
3 or enforce any right by either of the parties under this agreement,
4 or in event of appeal from judgment or decree therein, then the
5 prevailing party in such action or suit, or on such appeal shall
6 be entitled by a reasonable attorney's fee allowance as well as the
7 costs and disbursements of the action, suit or appeal.

8 WAIVER: No waiver of a breach of any covenant, term or condi-
9 tion of this agreement shall be a waiver of any other or subsequent
10 breach of the same or any other covenant, term or condition, or a
11 waiver of the covenant, term or condition itself.

12 INTERPRETATION: The covenants, conditions and terms of this
13 agreement shall extend to and be binding upon the assigns of the
14 parties hereto, provided, however, that nothing herein contained in
15 this paragraph shall alter the restrictions hereinabove contained
16 relating to the assignment hereof.

17 IN WITNESS WHEREOF, the parties have caused this agreement
18 to be executed this _____ day of July, 1974.

19
20
21
22
SELLERS:

RALPH W. THOMPSON

DARRELL VAN ARSDALE

106917

ORDINANCE NUMBER 2

SERIES 1974

AN ORDINANCE PRESCRIBING THE METHOD AND PROCEDURE TO BE FOLLOWED IN
MAKING PUBLIC IMPROVEMENTS AND PROVIDING FOR THE MAKING OF ASSESSMENTS
THEREFOR; PROVIDING FOR THE ENFORCEMENT AND COLLECTION OF SAID
ASSESSMENTS; AND FOR THE FORECLOSURE OF LIENS CREATED THEREBY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1: DEFINITIONS.

(1) "Local Improvement" means:

(a) The grading, graveling, paving or other surfacing of any street,
or opening, laying out, widening, extending, altering, changing the grade of
or constructing any street.

(b) The construction or reconstruction of sidewalks.

(c) The installation of ornamental street lights.

(d) The installation of underground wiring or related equipment.

(e) The reconstruction or repair of any street improvement mentioned
in this section.

(f) The construction, reconstruction or repair of any sanitary or storm
sewer or water main.

(g) The acquisition, establishment, construction or reconstruction of

1 (4) "Owner" means the owner of the title to real property or the contract
2 purchaser of real property, of record as shown on the last available complete assessment
3 rolls in the office of the County Assessor.

4 (5) "Lot" means lot, block or parcel of land.

5 Section 2: INITIATION OF LOCAL IMPROVEMENT. Whenever the City Council
6 shall desire a local improvement it shall pass a resolution, which designates the improve-
7 ment to which an assessment is contemplated and describes the boundaries of the district
8 to be assessed. The report shall contain a full description of the project and a
9 description of each lot specially benefited thereby, with the name of the owner of the lot.
10 The report shall further contain an estimate of the probable cost of such project, which
11 estimate shall include legal, administrative and engineering costs attributable to such
12 project, and a recommendation of a fair apportionment of the whole or any portion of the
13 cost of the project to the property specially benefited.

14 Section 3: METHOD OF ASSESSMENT.

15 (1) The City Council may:

16 (a) Use any just and reasonable method of determining the extent of any
17 improvement consistent with the benefits derived.

18 (b) Authorize payment by the City of Elgin of all or any part of the cost
19 of any such improvement, provided the method selected creates a reasonable
20 relation between the benefits derived by the property specially assessed and the

1 (d) A statement notifying all persons interested to present their objections
2 to said report, if any they have, before the City Council on a date specified in
3 such notice, not less than ten days after the date of the first publication, posting
4 or mailing, as hereinafter provided, of said notice.

5 (2) The City Council shall specify in a resolution providing for the said
6 improvement whether the notice provided for in this section shall be publish, mailed or
7 posted as herein provided. If the City Council shall declare notice be published, the
8 Recorder shall prepare the notice of publication containing the information above set
9 forth, together with the names of the record owners of the property and a description
10 thereof, either by street number or other legal description, and cause the said notice
11 to be published in a newspaper of general circulation, either daily or weekly, within
12 the City; that publication shall take place at least twice prior to the hearing provided
13 for herein.

14 (3) If the City Council shall determine to give notice by mailing, the City Recorder
15 shall prepare a notice containing the same information as provided for by published
16 notice, and this notice shall be deposited in the post office not less than ten (10) days
17 prior to the hearing directed to the owner of each lot proposed to be assessed.

18 (4) If the City Council shall determine to give notice by posting, the City

19 Recorder shall prepare a notice containing the same information as provided for by
20 published notice, and one copy thereof shall be posted in the City Hall and at least

1 of the contract award or city departmental cost, or after the work is done and the cost
2 thereof has been actually determined, the Council shall determine whether the property
3 benefited shall bear all or a portion of the cost. The Recorder, or other person
4 designated by the Council, shall prepare the proposed assessment to the respective
5 lots within the assessment district and file it in the City Recorder's office.

6 (2). Notice of such proposed assessment shall be mailed or personally delivered to
7 the owner of each lot proposed to be assessed, which notice shall state the amounts of
8 assessments proposed on that property and shall fix a date, not less than ten (10) days
9 thereafter, for further hearing before the Council, at which time objections to the
10 proposed assessment may be made by the affected property owners. The Council shall
11 consider such objections and may adopt, correct, modify or revise the proposed
12 assessment, and shall determine the amount of assessment to be charged against each
13 lot within the district, according to the special and peculiar benefits accruing thereto
14 from the improvement, and shall by ordinance spread the assessments.

15 Section 7: NOTICE OF PROPOSED ASSESSMENT.

16 (1) Whenever a notice is required to be sent to the owner of a lot affected by
17 a proposed assessment, such notice shall be addressed to the owner or his agent. If
18 the address of the owner or of the owner's agent is unknown to the Recorder, he shall
19 mail the notice addressed to the owner or his agent at the city where such property is
20 located. Any mistake, error, omission or failure with respect to such mailing shall not

1 Section 9: REVIEW OF ASSESSMENTS.

2 (1) Owners of any property against which an assessment for local improvements
3 has been imposed may seek a review thereof under the provisions of Oregon Revised
4 Statutes 34.010 to 34.100.

5 Section 10: ALTERNATIVE METHODS OF FINANCING.

6 (1) Notwithstanding to what may hereinafter be provided, nothing herein contained shall preclude the City Council from using other
7 available means of financing improvements, including federal or state grants in aid,
8 sewer service or other types of service charges, revenue bonds, general obligation
9 bonds, or other legal means of finance. In the event any of such other means of
10 finance are used, the Council may, in its discretion, levy special assessments here-
11 under to cover any part of the cost of the improvement not covered by such means.

12 Section 11: MANNER OF DOING WORK.

13 (1) The Council shall provide by resolution the time and manner of doing the
14 work of such project, and may provide for the City to do the work itself, or may award
15 the work on contract. In the event that the work is done under contract, bids shall be
16 received after advertisement for such time as the Council may determine on all such
17 work, the estimated cost of which is more than \$1,000.00. The contract shall be let to
18 the lowest responsible bidder, provided that the Council shall have the right to reject
19 all bids when they are deemed unreasonable or unsatisfactory. The Council shall
20 provide for taking security by bond for the faithful performance of any contract let

1 ment, and the deficit assessment spread by ordinance.

2 (2) If the assessments have been made on the basis of estimated cost, and upon
3 completion the cost is found to be less than the estimated cost, the Council must
4 ascertain and declare the same, and when so declared, it must be entered in the docket
5 of city liens as a credit upon the appropriate assessment. If any such assessment has
6 been paid, the person who paid the same, or his legal representative, shall be
7 entitled to the payment of any portion of the rebate credit which exceeds the assessment
8 by a check on the City Treasury.

9 Section 13: ABANDONMENT OF PROCEEDINGS.

10 (1) The City Council shall have full power and authority to abandon and rescind
11 proceedings for projects hereunder at any time prior to the final consummation of such
12 proceedings, and if liens have been assessed upon any property under this procedure,
13 they shall be cancelled, and any payments made thereon shall be refunded to the payor,
14 his assigns or legal representatives.

15 Section 14: CURATIVE PROVISIONS.

16 (1) Except as otherwise provided herein, no such assessment shall be invalid
17 by reason of a failure to give in any report, in the proposed assessment, in the
18 ordinance making the assessment, in the lien docket or elsewhere, the name of the
19 owner of any lot or the name of any person having a lien upon or interest therein, or
20 by a mistake in the name of any such person or in the entry of a name other than a name

PASSED and ADOPTED this 9 day of April, 1974, by (4) Council persons voting therefor.

APPROVED this 9 day of April, 1974.

ATTEST

City Recorder

Mayor of the City of Elgin

106917

INDEXED

STATE OF OREGON
County of Union

I certify that the within instrument
of writing was received for record on

the 18th day of
November 1982 at 8:30

o'clock A.M. and recorded on page

Record of

Books of said County.

SHIRLEY E. BOLIN
County Clerk

Garbanac Baker

*Amended
At 10 5 1981*

ORDINANCE NUMBER 1

SERIES 1974

AN ORDINANCE PROHIBITING THE KEEPING, WRECKING, STORING, OR
PLACING IN SUCH A MANNER AS TO BE EXPOSED TO VIEW FROM WITHOUT THE
PROPERTY, OR DEPOSITING ON PUBLIC PROPERTY OF ANY MOTOR VEHICLE, OR
ANY PART OR PARTS THEREOF, NO LONGER USED OR LICENSED AS A MOTOR
VEHICLE, AND PROVIDING A PENALTY THEREFOR.

BE IT ORDAINED by the City Council of the City of Elgin, Oregon:

Section 1: It shall be unlawful for any person owning or in possession or

control of any property within the City of Elgin to keep, wreck, store, or allow to
remain thereon, in such manner as to be exposed to view from without the property,
any wrecked or dismantled motor vehicle, or any part or parts thereof; but this shall
not be construed as preventing the exhibition for sale of automobiles in operating
condition within areas zoned for such activity. For the purpose of this section, if an
automobile is permitted to remain upon the premises for longer than ten (10) consecu-
tive days without being removed therefrom, it shall be deemed to have been "stored"
or "allowed to remain" thereon. After the expiration of such ten-day period, each day
during which the vehicle or part thereof is stored or permitted to remain on the
premises in violation of this ordinance shall be punishable as a separate offense.

Section 2: It shall be unlawful for any person to deposit a wrecked or dismantled

Copy

1 PASSED and ADOPTED this 12 day of February, 1974, by

2 five (5) Council members voting therefor.

3 APPROVED this 12 day of February, 1974.

4 ATTEST:

5 W. J. Brown
6 Mayor of the City of Elgin

7 Don L. Coulter
8 City Recorder

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